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ABSTRACT

This document analyzes the sentencing of young adult defendants in comparison with older adult and younger juvenile offenders, and disputes prior research which held that young adults received more lenient sentencing, perhaps because of the restrictions on disclosing juvenile delinquency histories. The document presents data from samples of young males arrested for armed robbery or residential burglary in Los Angeles County, California; Clark County, Nevada; and King County, Washington. Results of data analysis are presented which indicate that: (1) no evidence of consistent leniency towards young adult offenders was found; (2) both juveniles and young adults with extensive records were sentenced more severely than those with lighter records; (3) the availability of prior records did not guarantee such records would have an effect; (4) consideration of juvenile records only at sentencing may provide adequate discrimination between chronic and occasional offenders; and (5) juvenile arrest charges not resulting in a finding of delinquency are often used to represent the defendant's criminality. Sections of the document discuss origins of the "undue leniency" belief, juvenile records as sentencing data, and differences in disposition patterns of youthful offenders. Reference tables, research design, and references are appended. (ABL)

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Factors Affecting Sentence Severity for Young Adult Offenders

Peter W. Greenwood, Allan Abrahamse, Franklin Zimring

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Factors Affecting Sentence Severity for Young Adult Offenders

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PREFACE

The analyses described in this report show how young adult defendants are sentenced in three criminal courts, in comparison to older adult and younger juvenile offenders, and to what degree their prior juvenile records affect their sentences. They also illustrate the problems that can be encountered in interpreting juvenile criminal history information for sentencing purposes.

This report should be of interest to researchers and practitioners who are concerned with sentencing policies for youthful offenders or in understanding the connections between juvenile and criminal courts.
The research was supported by Grant No. 81-IJ-CX-0054 from the National Institute of Justice, U.S. Department of Justice.

EXECUTIVE SUMMARY

The aim of the research described in this report was to determine the relative severity with which young adult offenders are sentenced in criminal courts, and the degree to which their juvenile records affect their sentencing.

Several prior analyses have suggested that young adult defendants might be receiving much more lenient sentences than older adults, and that the reason might be that restrictions on the disclosure of juvenile record information may prevent criminal courts from identifying those young offenders with extensive juvenile delinquency histories. Our research disagrees with both of those findings.

Previous research has established that, in most jurisdictions, the initiative of individuals within the system determines the flow of juvenile record information to the criminal courts. Access to juvenile records is neither prohibited nor routinely provided. Most jurisdictions include some description of juvenile criminal histories in presentence reports, if they are prepared.

The analysis in this report is based on several samples of young males arrested for either armed robbery or residential burglary in three sites: Los Angeles County, California; Clark County (Las Vegas), Nevada; and King County (Seattle), Washington. The data collected for each case included the characteristics of the alleged offense, the subject's juvenile and adult criminal record, and the disposition of the case. In all three sites, the presentence investigation reports that are prepared following a felony conviction include detailed descriptions of the defendant's prior juvenile record. In Los Angeles, investigating police officers often include a juvenile rap sheet for a young adult defendant, along with the other supporting information that is presented to the prosecutor at the time of filing. In King County, the prosecutor maintains his own records of juvenile and adult convictions.

In none of the sites did we find evidence of consistent leniency toward young adult defendants. On the contrary, when we controlled for offense and prior record severity, in most instances we found that young

adult defendants were more likely to be convicted and incarcerated than defendants in any other age range. *In all three sites, both juveniles and young adult defendants with extensive juvenile records were generally sentenced more severely than those with lighter records.*

A second point that these data illustrate is that the availability of prior juvenile or adult records does not guarantee that they will have an effect. For example, for young adult burglars in Los Angeles and older adult robbers in Las Vegas, *the severity of the defendant's prior record did not affect the disposition of the case.* This situation in Los Angeles may be due to the common practice of settling many burglary cases, particularly those involving defendants with minimal prior (adult) records, as misdemeanors without resorting to extensive presentence investigation reports. Sentencing data from another California jurisdiction suggest that this pattern of leniency toward young adult burglars is not consistently found across California. We also note that the county with the best access to juvenile records, King County, Washington, generally sentenced young adults the most leniently.

The third point this study makes is that consideration of juvenile records only at the time of sentencing may provide sufficient discrimination between chronic and occasional offenders, as was shown by the Las Vegas sentencing patterns. However, *the fact that conviction rates in Las Vegas consistently increased with increases in the severity of juvenile records suggests, at least, that some information about juvenile records may be available during earlier stages in the proceedings.* (Otherwise, we must conclude that prosecutors and judges are very good at gauging criminality by subjective impressions.) The issue of when in a criminal proceeding the juvenile record of the defendant should first be considered is an issue that this study cannot address. The recording of when juvenile records are first received by the prosecutor is too imprecise, and the effects of other policy differences across sites are too large, to allow for any useful cross-site comparisons. The question of whether juvenile records should be a consideration in diverting a case, whether formally or informally through dismissal, is a policy choice whose ramifications can best be explored in the context of a specific sentencing framework.

The last point involves the amount of juvenile record information that is disclosed to the criminal court. Presentence investigation reports in Los Angeles cite many juvenile arrests for which no subsequent petition was filed or sustained. Most juvenile arrests do not result in a finding of delinquency; nevertheless, these charges are currently used to represent the defendant's history of delinquency. It would appear that *one of the most controversial issues to be resolved in this area is whether it is appropriate to use this unsubstantiated information*, and *if so, how it is to be used*. Clearly, in most instances there will be a high degree of correlation between the number of juvenile arrests recorded, petitions sustained, and actual juvenile criminality. The hazard is that the use of unsubstantiated arrest information could foster incorrect predictions of subsequent criminality--but that is an issue that remains to be explored. For the present, the conclusions of the study must be regarded as tentative.

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CHAPTER 1

INTRODUCTION

Two young men, both just past their eighteenth birthday, have been arrested for separate crimes. Each was caught burglarizing an apartment. One had gained entry by climbing through a ground-floor window; the other had forced the front door. Neighbors saw them and called the police.

Since each was caught in the act, it is extremely likely that both will be convicted on some charge. The court, however, has a wide range of sanctions at its discretion.

In many jurisdictions, the charge for a young, first offender might be reduced to a misdemeanor, such as criminal trespass, removing any threat of a prison sentence. In others, a burglary charge in itself might be treated as a misdemeanor. If the young men are convicted of the felony charge of burglary, in most jurisdictions the court has the option of placing them on probation, which can include a short jail term, rather than committing them to state prison.

On the basis of their adult criminal records and current living situations, these two young men are much alike. Neither has had a prior adult arrest. Neither is employed regularly or attending school, and each lives with a relative, rather than in a home maintained by his parents.

Their juvenile records, however, are not alike. One has been arrested six times since his fourteenth birthday for various offenses including possession of drugs, joyriding, assault, and burglary. In two of these cases delinquency petitions were filed and sustained in the juvenile court, resulting in a 5-day commitment to juvenile hall in one instance and a 24-week stay in a juvenile probation camp for the other. The other young man was arrested only once as a juvenile, for possession of alcoholic beverages.

Should the juvenile records of these two young men have any bearing on the disposition of the charges now before the court--and if so, how? Should their records affect their probability of conviction on felony charges, or the likelihood that they are committed to state prison? Should they affect the length of their term? Who should determine how influential their juvenile records are to be: the legislature, the sentencing judge, the prosecutor, or the investigating police officer, who may be in the best position to locate such records if they exist?

The answers will depend largely on the objectives we assign to the criminal justice system. They will also depend on whatever special exceptions we are prepared to grant to youthful offenders, who, although legally adults and liable for the full burden of responsibility that the criminal law imposes on all adults, still exhibit the immature behavior of adolescence. Is the purpose of the criminal justice system solely to apprehend and punish offenders, in strict proportion to the crimes for which they are convicted; or is it also supposed to protect the public? If public protection is a legitimate goal, what evidence should be brought to bear on the future risk posed by a particular defendant? Should the potential rehabilitative or criminogenic effects of a particular sentence on a particular individual be considered in the disposition of his or her case? Should the emphasis that is given to the goals of punishment, incapacitation, and rehabilitation vary according to the offender's age?

There are no clearly right or wrong answers, but such questions must be answered thousands of times every day in courtrooms across the country, as young adults appear for sentencing. In some jurisdictions, the criminal courts, as a matter of law, are prevented from reviewing the juvenile records of young adult defendants who come before them. In others, juvenile records are seldom considered in disposition decisions because they are too difficult or time-consuming to retrieve. In yet others, juveniles' records may be routinely included in the package of forms that the police deliver to the prosecutor at the time of filing, or summarized in the presentence investigation report that is prepared by the probation department.

In some states the criminal law makes no allowances for the youthfulness of a defendant after he or she has passed the maximum age jurisdiction of the juvenile court. In others, age and prior juvenile record may be explicit considerations in determining the sentence and where it will be served.

For several reasons, the use of juvenile records in criminal court proceedings has become an issue of heightened concern. One is that many prosecutors today are bent on incapacitating chronic offenders. As a growing body of research reaffirms a strong correlation between juvenile and adult criminal behavior, the natural reaction of prosecutors is to press hard on youthful offenders with heavy juvenile records. Another is a body of empirical and anecdotal evidence suggesting that young adult offenders may be getting off too lightly, in part because their juvenile records are protected from the view of criminal court personnel (Boland and Wilson, 1978). A third reason is that some individuals and groups continue to advocate and lobby for the confidentiality of juvenile court proceedings, in the belief that young adults should not be stigmatized for their juvenile transgressions. Finally, interest in this issue will continue to grow as the availability of complete and accurate juvenile record information shifts from a theoretical possibility with little administrative feasibility due to antiquated recordkeeping systems, to a realistic option that can be accomplished with computer programs, which are now being implemented to maintain such records.

Our research on this subject sought to determine how young adult defendants are currently being sentenced, and whether and how their juvenile records enter into criminal court proceedings. It is based on interviews, observations, and case samples in several jurisdictions, which were purposefully selected because they varied in the degree to which juvenile records were accessible to criminal courts.

Chapter 2 traces the origins of the issue concerning the undue lenience accorded to youthful offenders. The issue developed as researchers and policymakers put together evidence that youthful offenders accounted for a disproportionate share of crime; that juvenile records were the best available predictors of which youths would become

chronic young adult offenders; and that young adult offenders did not appear to be receiving prison sentences in proportion to their participation in crime.

Chapter 3 illustrates the kinds of interpretational problems that juvenile records can raise, by presenting and analyzing the juvenile record of one defendant.

Chapter 4 presents new empirical evidence on the disposition patterns for young adult defendants in criminal courts. The evidence comes from three jurisdictions that vary in the degree to which juvenile records are accessible to criminal courts. The sentences of chronic and nonchronic young adult defendants are compared among themselves and with slightly older and younger age groups.

Chapter 5 presents our major conclusions and describes the issues that remain to be resolved. Appendix B contains a detailed description of our data collection and analysis of case records from the three study sites.

CHAPTER 2

ORIGINS OF THE "UNDUE LENIENCY" BELIEF

This report continues a line of research and policy debate that began in the early 1970s. The principal studies emerging from that research presented (1) evidence that the rate of criminal activity peaks during the late juvenile and young adult years; (2) evidence on the incapacitation effects of sanctions, and on the identifying characteristics of high-risk offenders; and (3) evidence suggesting that young adult defendants were receiving much lighter sentences than older, and supposedly lower-risk defendants.

FOCUSING ON YOUTHFUL OFFENDERS

The starting point for this work was the growing body of evidence that offenses such as robbery, burglary, and theft are committed predominately by young men between the ages of 16 and 25 (Farrington, 1979; Petersilia, 1980). The age group with the highest arrest rate (arrests per 100,000 population) for robbery or burglary comprises young men between the ages of 16 and 18 (Twentieth Century Fund, 1978). In 1981, half of those arrested for index crimes[1] were between the ages of 16 and 25 (U.S. Department of Justice, 1982). By age 23 the arrest rate for robbery is only half what it was at 18; the rate at which 23-year-olds are arrested for burglary is about one-quarter of what it is for 16-year-olds (Zimring, 1978). Petersilia, Greenwood, and Lavin's criminal career study (1977), based on interviews with 49 incarcerated robbers, suggested that even among chronic adults, offense rates were highest in their young adult years. If one purpose of criminal sanctions is to protect the public from further crime, at least half of the offenders the public must be protected from are under 25.

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[1]Index crime in the FBI's Uniform Crime Report includes murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft.

INCAPACITATION AS A SENTENCING GOAL

Another line of research has established a strong link between juvenile delinquency and adult criminal behavior. Most of the young people who become involved in some form of delinquency that is serious enough to bring them to the attention of juvenile court authorities are not picked up for any subsequent crimes. But for those who are, the probability of an additional arrest increases with the number of prior arrests up to about five, where it levels off at around 0.72 (Wolfgang, Figlio, and Sellin, 1972).

Not surprisingly, the number of times an individual is arrested as a juvenile has been shown to be predictive of his or her adult criminality. In the latest Racine cohort reported by Shannon (1981), 35 percent of those who committed a felony or major misdemeanor as a juvenile also committed one as an adult, compared with a 6 percent commission rate for those without a juvenile record--a six-to-one difference. In the McCord (1979) study of young men raised in lower-class suburbs of Boston, 46 percent of the juvenile offenders became adult offenders, compared with 18 percent of those adults who were not juvenile offenders--a three-to-one difference.

In the Farrington (1983) study of young men raised in a working-class area of London, 70 percent of the sample who were convicted as juveniles (ages 10 to 16) were later convicted as adults (by age 24) compared with a 16 percent conviction rate for adults with no juvenile record--more than a four-to-one difference. Furthermore, the more juvenile convictions a person had, the more adult convictions he was likely to have. In the Farrington study, only 13 youths had four or more juvenile convictions, but 10 of them also had four or more adult convictions. Only 2 percent of those not convicted as juveniles had four or more adult convictions--a 37-to-1 difference in the probability of becoming an adult chronic offender.

Clearly, boys who are arrested as juveniles are three to four times more likely to be arrested as adults than boys with no juvenile record. The expected arrest rate (number of arrests) for an adult with five or more juvenile arrests is more than 30 times that of an individual with no arrests. Among those adults arrested for any crime, approximately

half (57 percent in the third Racine cohort; 42 percent in the McCord study) will have had at least one juvenile arrest.

Moreover, the effects of juvenile criminality on adult crime rates do not end with prevalence. The duration and intensity of an offender's juvenile criminal career are predictive of the duration and intensity of his adult criminal career. The younger a juvenile is when first arrested, the more likely he is to recidivate and become a high-rate offender as an adult (Greenwood and Abrahamse, 1982).

As long as there is some probability that convicted offenders will return to criminal behavior when they are released, we can be fairly certain that incarceration prevents some amount of crime in the meantime. This is the so-called incapacitation effect of incarceration. The amount of crime prevented depends directly on the rate at which offenders would have committed crimes while free. Recent research on individual offense rates and career patterns has established that juvenile records are strongly correlated with individual offense rates. Offenders who commit robberies or burglaries at high rates are more likely to have been convicted of some offense before they were 16, and to have served time in a state juvenile facility (Greenwood and Abrahamse, 1982; Chaiken and Chaiken, 1982).

Given some reasonable ability to categorize offenders according to their future risk to the community, as indicated by their juvenile record and other predictor variables, the sentencing policy that will maximize the incapacitation (crime reduction) effects achieved by any given level of incarceration involves concentrating long-term incarceration on predicted high-rate offenders and shorter terms or alternate forms of punishment on predicted low-rate offenders--an approach called "selective incapacitation" (Greenwood and Abrahamse, 1982; Greenwood, 1983; Moore et al., 1982). An analysis of offense rate patterns and sentencing practices used in California in 1978 (Greenwood and Abrahamse, 1982) estimated that with a more selective approach to sentencing, the number of robberies committed by adults could be reduced 15 to 20 percent, with no increase in the number of offenders incarcerated.

In addition to providing a basis for predicting future recidivism or offense rates, juvenile records can inform other aspects of sentencing decisions as well. The courts may be reluctant to impose a prison or jail sentence on a young first-offender for fear that the experience of being behind bars with other inmates may only reinforce the youth's tendency toward criminal behavior; but if the youth's juvenile record shows that he has been put on probation or confined before, with no apparent change in behavior, an incarcerative sentence may be more justifiable.

Furthermore, if a young adult's offense is nonviolent, it is common to grant probation. The defendant's juvenile record can modify this picture considerably. The research on criminal career patterns mentioned previously (Wolfgang, Figlio, and Sellin, 1972; Peterson and Braiker, 1981; Chaiken and Chaiken, 1982) has also established that most offenders engage in a number of different crime types as the opportunities present themselves. One limiting factor appears to be their willingness to use violence. If an offender has been arrested several times over a number of years, with no evidence of violent behavior, he will probably remain nonviolent. But a prior arrest for a violent offense, such as robbery or assault, is a strong indication that he will repeat (Chaiken and Chaiken, 1982).

In summary, if society were to adopt an explicit sentencing policy of attempting to concentrate incarceration on high-rate offenders, as a means of enhancing incapacitation effects, there would then be a natural interest in juvenile records as predictive factors, particularly for young adult defendants. The decision of whether to use juvenile records for selective sentencing purposes is a political value-judgment about which individuals and communities may differ. There is no apparent Constitutional obstacle to doing so (Moore et al., 1982), and in most jurisdictions juvenile records are now consulted for such purposes, although not on any regular or consistent basis (Greenwood, Petersilia, and Zimring, 1980).

If we support such a policy, there is an issue of when juvenile records should be first considered. Should filing, selective prosecution, or plea-bargaining decisions be informed by knowledge of

the defendant's juvenile record; or should juvenile record information be considered only after conviction? This issue arises because, in most jurisdictions, the range of sentences to which the defendant is potentially liable may be restricted considerably by these early case-processing decisions.

Another issue that comes up, once we recognize a role for juvenile records in criminal court proceedings, is the kind of juvenile records that should be considered: Should they be arrests for which the disposition is known; all arrests; or only those resulting in sustained petitions? The heavy reliance of juvenile courts on informal case settlements, without formal hearings, means that a majority of arrests will not result in any formal finding of delinquency. Eliminating these arrests from consideration may greatly reduce the amount of information available for risk-assessment purposes.

EVIDENCE IN SUPPORT OF THE LENIENCY-GAP ARGUMENT

One of the special features of American juvenile court laws are the statutes protecting the confidentiality of hearings and records from outside disclosure, and providing for the sealing or expungement of records when the minor becomes an adult. Both the Twentieth Century Fund (1978) and Boland and Wilson (1978) accepted this confidentiality language of juvenile law at face value. Both assumed that the protective statutes governing access to juvenile records would inhibit the use of these records in criminal courts, resulting in what they considered to be undue leniency toward chronic young adult offenders during the most active period of their criminal careers.

The Twentieth Century Task Force put the problem as follows:

> In many states, outgrowing the juvenile court's jurisdiction may have two paradoxical consequences: instant responsibility and retroactive virginity. As soon as an offender is no longer young enough to be "delinquent," he is treated as an adult fully responsible for his acts. But a number of laws and practices shield records of juvenile adjudication from prosecutors and judges in the adult system. As a result, an individual who has acquired an extensive and serious record in the juvenile court enters the adult system as if he were a first offender.

Boland and Wilson (1978) concluded that:

> We know enough to believe that some substantial inequities exist and that there may be many offenders who, as young adults (say, aged 18 to 22) get a "free ride" because their juvenile record is ignored.

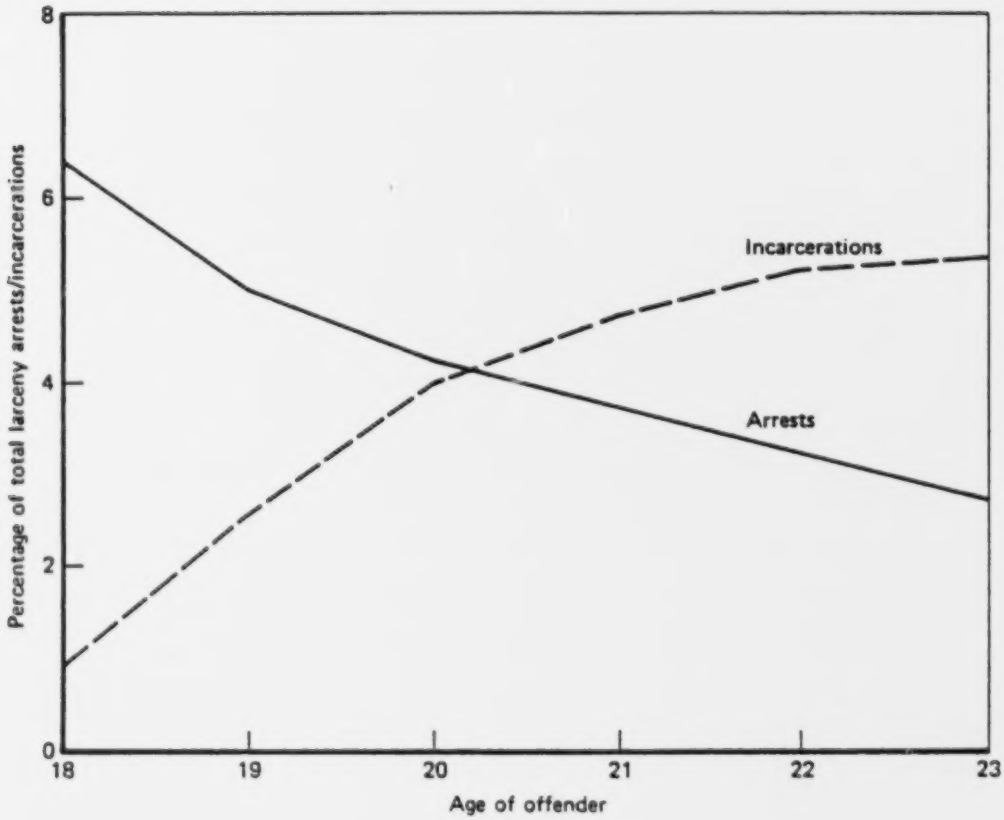
Evidence in support of the contention that young adult defendants were receiving lenient sentences, partly because of restrictions on the disclosure of their juvenile records, came *not* from studies of how youthful offenders were actually sentenced in any particular jurisdiction, but from aggregate data on the age composition of arrest cohorts and prison samples, or from case disposition data controlling on age.

One example of what these data looked like is in Fig. 2.1, which is reprinted from an earlier report by one of the authors (Zimring, 1975). The two plots show the age distribution of persons arrested or incarcerated for larceny. As age increases, the percentage of arrests declines but the percentage of incarcerations increases. The obvious inference is that younger offenders are sentenced more leniently. The same basic pattern was found in other crime types as well.

An analysis of case disposition patterns for different age groups in Washington, D.C., revealed that 18-year-old defendants were less likely to be incarcerated than older defendants. However, the modest differences in incarceration rates were not nearly enough to explain the observed differences in the plots of arrests and incarcerated offenders by age described above (Twentieth Century, Fund, 1978).

THE FIRST RAND STUDY

In 1978, Rand was awarded the first of two grants, from the National Institute of Justice, to pursue the issue of juvenile record use in criminal courts. Research under the first grant (see Greenwood, Petersilia, and Zimring, 1980) explored the questions of:



Source: Franklin E. Zimring, *Dealing with Youth Crime: National Needs and Federal Priorities*, a policy paper for the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention, 1975.

Fig. 2.1 -- Percentages of total arrests and incarcerations for larceny by age, 1972

- How age-related differences in the seriousness of offenses might explain some of the apparent leniency toward young offenders.
- What data were available to show how cases against young adult defendants were disposed of, compared with younger and older defendants.
- To what degree juvenile records were accessible to and used by criminal court personnel.

The remainder of this chapter summarizes the findings from that study.

Age and Crime Seriousness

Arrest figures are often cited to show that young people commit a disproportionate share of crime. In 1978, for instance, youths between 16 and 21 years of age represented only about 12 percent of the general population but accounted for 40 percent of all property crime arrests and 46 percent of all robbery arrests. However, differences that were found in the characteristics of crimes committed by older and younger offenders suggest that these arrest figures exaggerate the amount of actual crime (instead of sheer arrests) that can be attributed to the young, and underestimate the severity with which they are sentenced.

First, within any broad category of crime (such as burglary, robbery, or assault) the offenses committed by younger offenders were found to lean toward the less serious end of the spectrum: The targets of theft are less serious; the degree of arming is less lethal. Second, younger offenders were found more likely to engage in group crimes than to act alone--a tendency that leads to an overestimate of the true chances of victimization from youths. For example, two burglaries may represent the same degree of social harm even though one is committed by a single adult and the other by four juveniles. But if both crimes result in arrests, they will produce arrest-frequency statistics indicating that the risk of burglary by juveniles is four times greater than that by adults--a grossly inflated estimate. By combining data on the frequency of group behavior and weapon use, Zimring (1981) estimated that offenders under the age of 21 account for 60 percent of all robbery arrests but only 31 percent of all armed robberies.

The third bias in arrest statistics may be introduced by differential responses by the police according to the age of the suspect. A number of analyses--and anecdotal evidence from police officials themselves--supported the contention that at marginal levels of criminal behavior, the police are more likely to make an arrest if the offender is a juvenile than if he or she is an adult.

Age-Related Sentencing Patterns

Computerized court data for three sites were analyzed to determine how severely young adults were sentenced in comparison with juveniles and older adults. The three sites were Los Angeles County, California; Franklin County, Ohio; and New York City. In New York, the jurisdiction of the family (juvenile) court ends at the 16th birthdate; in California and Ohio, juvenile status ends at the 18th birthdate. The analysis revealed that the treatment of young adult males varied in several important ways among the three locations (see Table 2.1). In Los Angeles, young adults were not found to have been treated more leniently

Table 2.1

SUMMARY OF AGE-SANCTION EFFECTS FOR THREE STUDY JURISDICTIONS

		Degree of Greater Leniency Shown to Young Adults than to Older Offenders		
Jurisdiction	Conviction Offenses Analyzed	Conviction Rate	Incarceration Rate	State Commitment Rate
Los Angeles County	Robber, assault, burglary, auto theft	None	Slight, for burglary only	Slight, for burglary only
Franklin County, Ohio	Violent felonies	None	More	More
New York City	Burglary, robbery	Burglary only	More	More

as measured by their conviction rates, incarceration rates, or state commitment rates. In fact, for most crimes, 18-year-olds faced a slightly higher risk for any of these outcomes than did older offenders. Only for burglary did we find that older offenders were somewhat more likely to receive incarceration or state commitment.

In Franklin County young adults were far less likely to be incarcerated than older offenders (see Table 2.2). In Los Angeles the likelihood was about the same. For New York City the tables show that the youngest age group in the criminal court got a considerable break. But after age 18, sentence severity remained fairly constant. The extremely low frequency of sentences longer than one year for the 16-17 age group in New York shows that lowering the maximum age jurisdiction of the juvenile court does not necessarily lead to tougher sentencing. In fact, for Franklin County we had information that permitted us to compare the dispositions of juvenile offenders with those of young adults. The oldest juveniles (aged 16 to 17) and the youngest adults (aged 18 to 19) were convicted and incarcerated at about the same rate.

The Use of Juvenile Records in Criminal Courts

The use of juvenile records in criminal proceedings was found to be limited by three factors:

Table 2.2

PERCENTAGE OF CONVICTED ROBBERY DEFENDANTS SENTENCED TO MORE THAN ONE YEAR

	Percent of Defendants Sentenced		
Age	Los Angeles	Franklin County	New York City
16-17	--	--	4
18-20	36	33	28
21-25	38	56	26

1. State laws governing the maintenance and disclosure of juvenile records;
2. The willingness of a juvenile court to provide other criminal justice agencies with access to its records;
3. The method by which juvenile records are stored and maintained.

Since the latter two factors are generally much more restrictive than the first, it is necessary to examine individual court systems, rather than state laws, in determining the degree of access that currently exists. The only source of national data on this issue was provided by a survey of prosecutors that was conducted in 1979 (Greenwood, Petersilia, and Zimring, 1980)[2] as part of our first study on this topic.

Although almost every state has some statutory requirements for maintaining the confidentiality of juvenile records, these statutes are generally aimed at preventing public disclosure, not the sharing of records among criminal justice agencies. Criminal justice agencies may be specifically exempted from the confidentiality requirement of the statute, or the statute may allow the sharing of information under circumstances to be governed by orders from the juvenile court.

Most states also have statutes providing for the destruction of juvenile records (usually on the motion of the former delinquent) after a specified number of years have elapsed without any further convictions. However, such statutes appear to pose few constraints on the identification of chronic offenders, who would seldom qualify for such expungement because of their continuing involvement in crime. Our own attempts to trace the records of individuals three or four years past the maximum age jurisdiction of the juvenile court suggest that the wholesale purging of records, as a cost-saving measure, may be a more severe limitation on the identification of chronic offenders than these formal expungement provisions. However, even here, the percentage of chronic offenders who would be affected is probably small, because their

[2]A survey questionnaire was sent to the two or three largest prosecutor's offices within each state; 66 questionnaires were completed and returned.

juvenile records will be permanently recorded in subsequent adult presentence reports.

The general pattern of juvenile record use that was disclosed by the survey of prosecutors was one of individual initiative. Few jurisdictions routinely denied or provided for access to the juvenile records of criminal defendants. The retrieval and documentation of juvenile records was left up to the discretion of individual investigators and prosecutors. This practice was in sharp contrast to their policy of carefully reviewing adult criminal records.

A prosecutor's first opportunity to learn about a criminal defendant's juvenile or adult record occurs at the time the police bring in the case for filing. The difference between the treatment of juvenile and adult records was striking. Fully 74 percent of prosecutors responded that adult criminal records were always or usually provided at the time of filing, but only 20 percent reported that juvenile records were usually provided, and 60 percent responded that juvenile records were provided rarely or never at the time of filing.

Even if the local police department turned over its record of juvenile arrests, that record was not likely to be comprehensive. For example, 80 percent of prosecutors reported that the juvenile information provided by the police was local only, and did not include contacts in other cities. Fewer than 20 percent, however, indicated that their office consistently attempted to seek out additional juvenile record information, over and above that provided by the police. Those who did so were more likely to have been those who were provided with better juvenile record information initially. In contrast, 75 percent of the prosecutors always or usually sought out additional adult criminal history information, over and above that provided by the police. Any comparison between the quality or completeness of juvenile and adult record systems invariably favored the adult system.

Of course, the amount of information on a defendant can mount up during a case. Even if juvenile record information is provided only at the sentence hearing, it can strongly affect the final outcome. Only 23 percent of the prosecutors said that the criminal court would be unaware of a convicted felon's juvenile record at the time of sentencing; another 45 percent indicated that they would expect to know such information by the time of any potential pretrial settlement.

The prosecutors were also fairly optimistic about the effect that juvenile records would have. More than 60 percent believed that they would improve the defendant's chances for diversion or dismissal; 63 percent thought that they would affect the kind of plea bargain they were offered.

CHAPTER 3

JUVENILE RECORDS AS SENTENCING DATA: A SURVEY OF SUBSTANTIVE PROBLEMS

Many commentators on the issue of juvenile record use assume that the only matter to be resolved is one of accessibility: If the criminal court had access to juvenile court records, so they argue, it could readily distinguish between chronic and nonchronic offenders.

> Under our proposal, an offender's juvenile court records should be sealed when he reaches eighteen or, if he is confined or under supervision at that time, when the court's jurisdiction over him ends. If, as a juvenile, an individual has been found guilty of a class 2 or class 3 violent offense or has been twice convicted of any felony charge, and is charged with a felony within three years after release from juvenile confinement or three years after passing the jurisdictional age of the court, the record of adjudication should be available to the criminal court.
>
> Franklin Zimring, *Confronting Youth Crime, Report of the Twentieth Century Fund Task Force on Sentencing Policy Toward Young Offenders,* 1978, p. 18.

> . . [T]here is a principle that stakes out a compromise position. The principle is that if a person is arrested for a dangerous offense shortly after he has reached the age at which he is handled in the adult criminal justice system, then the adult criminal justice system should be allowed to review the record of serious offenses committed while a juvenile in determining whether he should be treated as a "dangerous offender."
>
> Mark Moore, Susan Estrich, and David McGillis, with William Spelman, "Dealing with Dangerous Offenders: Final Report," Vol. 1, February 1983 (mimeograph). Presented at the State of Maryland's First National Conference on Repeat Offenders, College Park, Maryland, October 1982.

Unfortunately, that is not the case. The juvenile and criminal courts, in their current forms, serve somewhat different purposes. A criminal court's primary objective in disposing of cases is the dispensation of justice. Punishment is supposed to fit the crime--and the seriousness or cleanness of the defendant's prior record.

In juvenile courts the emphasis is on rehabilitation and the best interests of the minor. While community protection and just deserts may exert some influence on its dispositional decisions, the juvenile court, at least in theory, is more concerned about the harmful consequences for a ward such as adverse labeling, disruption of schooling or family life, and the criminogenic effect of institutionalization on the ward's safety. For the first few offenses, juvenile courts usually seek to avoid formally "finding a juvenile delinquent" (the juvenile court's term for conviction) or removing him from his home. The result of this emphasis is that a much smaller proportion of juvenile than of adult arrests lead to the filing of formal charges, conviction, or placement in correctional facilities (Greenwood et al., 1983).

One consequence of the philosophy and administrative style of juvenile courts is a recordkeeping system that is difficult to use in later criminal court sentencing decisions. The system may frustrate proposals, such as the Harvard and Twentieth Century Fund plans, that would make criminal court sentences contingent on factual determinations of juvenile courts. This chapter discusses the problems that will confront such efforts.

WHAT THE RECORDS LOOK LIKE

We begin with a case study of the problems that will be encountered by any criminal court official who tries to interpret current juvenile court records provided by the juvenile rap sheet and portions of a presentence report contained in Fig. 3.1. These records describe the juvenile criminal history of a 19-year-old defendant who was convicted of robbery in the Superior Court of Los Angeles County in 1980. The juvenile record information in this file is typical of reporting practices in metropolitan California counties and may be *more* detailed

than data available in many other jurisdictions where disposition of police allegations listed in criminal records will be either more ambiguous or missing when criminal court personnel search the records of juvenile arrests.

Preceding this description of the defendant's juvenile record is an undifferentiated composite of information obtained from probation department files, police records, and the defendant himself. The record lists 10 juvenile arrests beginning when the defendant was 13 years old. The offenses listed include drug possession, theft, burglary, assault, and robbery. Only two of these arrests resulted in petitions being filed by the prosecutor and sustained by the court; both of them occurred when the defendant was 17 years old. One was for an attempted grand theft (a purse snatch), the other for possession of PCP. The defendant denies most of the charges, including the current offense.

If we believe all of the arrest charges, we clearly will tag this youth as a high-risk offender. He started out very young, has committed robberies and burglaries, and uses drugs. According to any of the criminal-career studies (Wolfgang, Figlio, and Sellin, 1972; Chaiken and Chaiken, 1982; Greenwood and Abrahamse, 1982; Farrington and West, 1981), he is probably at the peak of his criminal career.

However, a comparison of the way in which prediction studies classify subjects with formal juvenile court outcomes makes a point of important policy significance. Using the scales and criteria of Wolfgang, Figlio, and Sellin (1972), the defendant portrayed in Fig. 3.1 would be labeled a chronic delinquent (more than five arrests) with two violent offenses by age 15. The defendant's youth at first contact and high volume of arrests would place him at the top of the predicted future delinquency group--at a time when no charges have led to a determination that he is a delinquent. On his 16th birthday, he could be labeled a chronic offender but not an adjudicated delinquent.

Arguments supporting the crime-prevention benefits of using juvenile record information are based in part on arrest frequency studies such as Wolfgang's. If many or most juvenile record incidents are not usable as criminal court sentencing data because of inadequate or undocumented fact-finding, then shifts in information availability will carry few of their claimed benefits. It thus becomes important to

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Age 13 12-27-74 - LAPD - 459 PC (BURGLARY) - REFERRED TO FIRE DEPT.

(The Defendant stated he did not remember this arrest: However, he did remember going to the fire depart. and washing trucks.)

Age 13 4-12-75 - LAPD - 602 WIC; 211 PC (ROBBERY), 2 cts. -- PETITION REQUESTED, PETITION FILED ON 5-15-75 AND DISMISSED 5-25-75.

(According to the Police Report, the Defendant, his brother and two other companions were accused of robbing two youths of $4.50. The defendant could not remember this offense.)

Age 14 LAPD - 211 PC (ROBBERY) - PETITION REQUESTED; PETITION FILED 10-6-75 AND DISMISSED 10-28-75.

(The Defendant could not remember this arrest.)

Age 15 3-14-77 - LAPD - 11377A H & S CODE (POSSESSION OF A CONTROLLED SUBSTANCE) - PETITION REQUESTED: THIS WAS A D.A. REJECT ON 4-1-77.

(It appears that officers made an illegal arrest of the defendant and a companion. The defendant states that he was coming home from the park with his brother, and his brother had some spearmint leaves in his possession, and that was why they were arrested.)

Age 15 6-29-77 - 496 PC (RECEIVING STOLEN PROPERTY); 11377 H & S CODE (POSSESSION OF CONTROLLED SUBSTANCE) - PETITION REQUESTED, BOTH CASES WERE REJECTED BY D.A. on 7-28-77.

(The defendant and two companions were arrested by deputies who believed that two watches that the defendant had in his possession were stolen property. Also found on the defendant was some tinfoil with substances resembling narcotics. It was later determined that the watches were given to the minor as a gift and the the substance was not PCP. The defendant stated that he was with his brother and a cousin who may have been in possession of marijuana but that he did not have any in his possession. He indicated that the watches were gifts and belonged to him.)

Fig. 3.1 -- Verbatim juvenile record information

Age 16 9-11-77 - LASO - 496 PC (RECEIVING STOLEN PROPERTY) - D.A. REJECT on 9-22-77.

(The defendant and a companion were accused of breaking into the Superior Wholesale Grocery Company and a private residence. Because it was necessary for the confidential informant to be a witness for the prosecution, the case was rejected. The defendant stated that someone had broken into a warehouse, and a friend gave him a box of sugar. He denied breaking into the warehouse.)

Age 16 11-1-77 _ LASO - 245A PC (ASSAULT); 242 PC (BATTERY) - PETITION REQUESTED; PETITION FILED 11-30-77 AND DISMISSED ON 12-16-77 WITHOUT PREJUDICE.

(According to information, the defendant was accused of assaulting two women and two men. According to the minor, he was going down the street when the sheriff's deputies stopped him and indicated he assaulted some Chicanos. According to the defendant, it appears that the victims were unable to identify him as the person who assaulted them.)

Age 17 10-22-78 - LAPD -459 PC (BURGLARY) - INSUFFICIENT EVIDENCE.

(The defendant stated that he was in his brother's van asleep when his brother and cousin burglarized an auto. The police arrested evryone in the van but only one person was ever convicted. He was released at the Police Station, and no charges were filed.)

Age 17 1-30-79 - 664/487.2 PC (ATTEMPTED GRAND THEFT PERSON) - PETITION FILED ON 1-31-79, SUSTAINED ON 2-29-79, DEFENDANT PLACED HOME ON PROBATION ON 3-21-79.

(It appears in this incident that the defendant and his two companions were in a store when the defendant became involved in a dispute with a young lady. According to the victim, the defendant attempted to snatch her purse but was unable to do so. She contacted the Sheriff's Dept. who arrested the defendant outside the store. The defendant denies any attempt at snatching the purse and states that the lady actually verbally assaulted them, and that was all there was to the incident.)

Fig. 3.1 -- continued

Age 17 — 3-26-79 - LASO - 11378 H & S CODE (POSSESSION OF A CONTROLLED SUBSTANCE FOR SALE) - PETITION FILED ON 3-28-79 AND SUSTAINED ON 4-20-79. ON 6-11-79m DEFENDANT WAS ORDERED TO THE CAMP COMMUNITY PLACEMENT PROGRAM, ENTERED CAMP PAIGE PROGRAM ON 6-28-79, COMPLETING THE PROGRAM ON 10-4-79; UPON COMPLETION OF CAMP PROGRAM, RETURNED TO HOME OF MOTHER: 6-30-80, JURISDICTION TERMINATED. DEFENDANT WAS CHARGED WITH POSSESSION OF PCP IN THE FORM OF 34 SHERMAN BRAND CIGARETTES LACED WITH PCP AND SEVERAL BROKEN BOTTLES WHICH ALSO APPEARED TO HAVE CONTAINED A LIQUID PCP.

(The Defendant stated that he was sleeping in the back seat of a vehicle when his brother stopped at a dairy. He knew nothing about buying PCP.)

ADULT HISTORY:

1-24-80 — 211 PC (ROBBERY) - THIS REFERS TO THE PRESENT OFFENSE.

Fig. 3.1 -- continued

address specific juvenile justice practices that limit the utility of juvenile records and discuss what changes in juvenile court policy would be necessary to facilitate more confident use of juvenile records in criminal courts.

SOME COMMON PROBLEMS

A compendium of specific issues involving the use of juvenile records should deal with both the problems that various types of record entities generate and the way those problems impinge on policy proposals for use of juvenile records. Recurrent problems in interpreting juvenile records include:

- Formal charges followed by a notation of dismissal of petition for unstated reasons;
- Charges dismissed because of noted evidentiary insufficiency but possibly related to the low priority of juvenile court cases;
- Notations of prosecutorial failure to pursue relatively minor charges, when this policy may again reflect low prosecutorial priority of juvenile court cases;
- Charges followed by notation of entry into diversion or restitution programs without formal adjudication; and
- Relatively serious police charges followed by ambiguous or missing notations on juvenile court disposition.

All of these situations are high-volume *informational residues* of current juvenile court practice and each deserves separate mention.

Serious police charges often result in the filing of petitions with juvenile courts followed by dismissal of the petition, without formal adjudication of the charges that led to arrest. This pattern appears in Fig. 3.1, where a robbery charge (two counts) involving the defendant (then 13) was recorded by the police on April 12, 1975. A petition was filed on May 15, 1975, and then dismissed the same day. Should this contact be counted as a prior offense in subsequent sentencing decisions in criminal courts? The substantive policy preference of juvenile

courts to avoid formal labeling provides two grounds for supposing the defendant might have been accountable for this robbery. The decision to seek a petition, whereas many juvenile arrests are handled short of this formal step, indicates that the charges were believed. And although petitions are often dismissed, the factual foundation of the charge notwithstanding, that does not justify assuming that the dismissals are based on a belief in the youth's innocence or on a lack of evidence. The central problem is that there is no basis for presuming either guilt or innocence. As long as innocence remains a plausible possibility, it does not seem appropriate to count charges against the defendant in this situation.

Charges dismissed for lack of evidence should seldom or never enter into criminal court sentencing decisions. Even if the lack is due merely to the limited resources devoted to investigation and prosecution in juvenile court, the defendant must be presumed innocent under our system of law. Allowing a dismissed charge to have anything to do with punishment veers uncomfortably close to a due process violation of the defendant's rights.

So-called "de minimis" prosecutorial dismissals or rejects, such as those recorded on 4-1-77 or 7-28-77 in Fig. 3.1, present a different but still troublesome set of issues when their future use in adult sentencing decisions is contemplated. If the offense is minor, or the defendant's participation appears minimal, or both, there are strong systemic incentives for the district attorney to refuse prosecution even if the evidence is sufficient to establish delinquency. Again, if the courts saw fit to dismiss such cases, the researcher is not justified in exhuming them.

Perhaps a concrete illustration will make these points more cogently. Consider once more our young defendant from Fig. 3.1. The Los Angeles police arrested him on a burglary charge at the age of 13 and referred him to the Fire Department in lieu of formal processing. The record states that the defendant "Did not remember this arrest. However, he did remember going to the Fire Department and washing trucks." Should this "voluntary" community service be equated with a guilty or no-contest plea and counted against him when he is sentenced for later crimes? If so, a case can be made that formal procedural

safeguards (such as the right to counsel), of the kind that defeat diversionary initiatives, should be instituted prior to program diversion. If not, the existence and use of diversion programs directly competes with the perceived need for juvenile records in adult criminal sentencing and the claimed benefits of information-sharing.

All of the circumstances discussed to this point require notations in a criminal record that allow a later user some clue as to the dispositional consequence of a particular juvenile arrest. All too often, this will not be possible. Unless noting the consequences of the juvenile arrest is a matter of some significance for the juvenile justice system, the historical record of processes following arrest will frequently be ambiguous or missing. Nothing short of a presumption that arrest signals factual guilt can allow the use of arrests, with undocumented juvenile court consequences, as salient data in later criminal court sentencing.

* * *

Four preliminary points deserve mention before we discuss the interaction of juvenile case histories in specific sentencing use proposals. First, the cumulative impact of non-adjudication within the juvenile justice system is enormous. Existing studies of juvenile court case processing do not allow for specific estimates of non-adjudication frequencies in particular criminal careers, but they do suggest that non-adjudication will appear in juvenile records about 70 percent of the time even if the historical record is a perfect reflection of court processing.

Second, although the influence of adjudication rates on the use of juvenile records in adult courts has not been studied, the question can be addressed in detail in a variety of jurisdictions at relatively low cost. Representative samples of presentence reports dealing with young offenders in criminal courts can be analyzed in a straightforward manner to determine the ratio of juvenile record incidents that are of questionable value because facts surrounding the alleged criminality have not been adjudicated. These modest empirical soundings are required to estimate the impact of any proposed new information-sharing initiatives.

Third, pending such studies, it is unwise to estimate the predictive accuracy or crime-saving potential of selective adult sentencing policies, based on studies that use juvenile arrests as a measure of juvenile crime. To do so is most likely to result in gross overestimates of predictive accuracy and crime-saving benefits.

Fourth, inefficiency and lack of coordination in the court system are not the principal causes of most of the problems surveyed in these pages. Instead, they emanate from policy. Making available the kind of records that could be used confidently in adult criminal courts would require a profound change in juvenile court philosophy about formal trial court processes, the stigma of labeling, and the benefits of nonintervention. A larger number of proceedings and very different procedural structures would be necessary to accommodate such a change in the focus of the juvenile court.

The preceding remarks do not argue that any use of existing juvenile justice records is inappropriate or that any reform of the record system necessarily must revolutionize the juvenile courts. A long history of arrests is obviously relevant to overall judgments about whether a particular defendant should be considered at risk of future criminality. Taking such a record into some account when deciding close questions of probation versus prison can be justified as a Gestalt judgment even if no single entry contains unmistakable facts about involvement in a crime. In a similar but opposite vein, the absence of a substantial arrest history can justify leniency for young adult offenders no matter how problematic the the case for aggravation of sentence based on particular non-adjudicated arrests might be. So far, all well and good; but the upper limits of permissible use of aggregate records stop far short of the fine-scale predictions associated with some proposals for selective incapacitation or the rigorous fact-finding required for "just-dessert" sentencing decisions regarding young adults.

Some reform is achievable without wholesale reconfiguration of juvenile justice processes. The Twentieth Century Fund's recommendation regarding special treatment of selected offenses of violence could be facilitated by allowing special prosecutorial certification of these charges in juvenile court. A more structured hearing and detailed

judicial fact-finding for a permanent record would be accomplished without remanding the offender to criminal court or recasting juvenile processing in less momentous cases.

What is unworkable at present is the policy that the Harvard group (Moore, Estrick, McGillis) calls its "compromise position." It would be either unjust or inefficient, given current procedures, to review "the record of serious offenses committed while a juvenile in determining whether [a criminal court defendant] should be treated as a 'dangerous offender.'" It would be unjust to hold all serious offense arrests against the defendant. It would be inefficient to rely only on unambiguously adjudicated criminal liability in juvenile records. The more emphasis the criminal court places on categorical findings such as "dangerous offender," the more troublesome our current records become as a basis for such classification.

CHAPTER 4

DIFFERENCES IN DISPOSITION PATTERNS FOR YOUTHFUL OFFENDERS ACROSS THREE SITES

INTRODUCTION AND RESEARCH DESIGN

To the best of our knowledge, no previous studies have shown how the juvenile records of young adult defendants affect the disposition of their cases.[1] The research described in this chapter was designed to remedy this situation. Our database included arrest samples selected from four jurisdictions that represent different levels of information-sharing between the juvenile and criminal courts; however, data collection was completed in only three of the four sites. These jurisdictions, and their information-sharing characteristics were:

Providence, Rhode Island. Providence is a statistical rarity: a major city in which the jurisdiction of the juvenile court terminates at age 18, and in which there is *no information-sharing* between juvenile and criminal courts. A careful review of our earlier Prosecutors' Survey revealed that almost all of the jurisdictions that had reported no information-sharing between juvenile and adult courts were in states in which juvenile court jurisdiction terminated at the 16th or 17th birthdate, or states with very small populations. Follow-up phone calls to the few major jurisdictions where transfer of jurisdiction occurs at the 18th birthday, and where the prosecutor had reported *no information-sharing*, revealed that several had recently relaxed their restrictions on juvenile information-sharing, and that some information was now available to the criminal court. Providence was the site where data collection could not be completed.

Las Vegas, Nevada. Las Vegas represents a frequently occurring *low-information-sharing* situation in which information about a young adult defendant's prior juvenile record is not disclosed to the prosecutor until preparation of the presentence investigation report following

[1]The most recently published study of this topic by Langan and Farrington (1983) offered no new empirical evidence on the leniency gap in the United States, but found that it did not exist in England.

conviction. Both juvenile and adult criminal history data are contained in a computerized system, but access to juvenile information is limited to appropriate juvenile court personnel. The only way in which a prosecutor might learn about an adult's prior juvenile record is through police department records, and these are alleged to be difficult to search. Such are the impediments that Clark County prosecutors claim to be rarely aware of an adult's juvenile record, unless that record is personally known by the police officer who brings in the case for filing. Once a defendant in Las Vegas has been convicted, a presentence report is completed that contains a detailed description of all juvenile crimes.

Los Angeles, California. Los Angeles represents a frequently occurring *high*-information-sharing situation between juvenile and adult courts. There are no limitations on access to juvenile records by criminal court personnel. Both the Los Angeles Police Department and the Los Angeles County Sheriff maintain automated juvenile contact files. It is a fairly routine procedure for investigating officers to check these files whenever they are investigating a young adult suspect. If the case is presented to the prosecutor for filing, the case file will usually include the Police Department's record of juvenile contacts. This record will only include local contacts and police dispositions, not the results of any subsequent juvenile court proceedings. (This is the usual situation with police department juvenile records.)

If in the course of prosecuting a young adult defendant, the prosecutor needs more information on a particular juvenile crime or its disposition, it can be rapidly retrieved from the county probation department's automated juvenile index, which contains a summary record of all transactions for each juvenile referred to the department. The prosecutor rarely uses this information, however.

When an adult is convicted or pleads guilty to a felony, the probation department prepares a presentence investigation report describing the defendant's background and the details of the current offense. This report includes a detailed description of any juvenile crimes for which the defendant may have been arrested, and their ultimate disposition.

Seattle, Washington. Seattle is another statistically rare, but nevertheless important, jurisdiction in which a criminal history information system has been explicitly designed to provide criminal court officials with complete and accurate juvenile record information. The recently revised Juvenile Code in Washington removes most of the confidentiality restrictions that have traditionally applied to juvenile court proceedings and records. Integrated juvenile and adult criminal record files in Seattle are maintained by the King County Prosecutor. They are consulted by prosecutors in making routine case filings or plea-bargaining decisions, and in preparing presentence reports after conviction (supplementing the presentence reports prepared by Probation).

We decided that all of the cases in these arrest samples were to involve young men between the ages of 16 and 25 who were arrested for either armed robbery or residential burglary. We made that choice in order to focus on common but serious criminal behavior, and to reduce the amount of variation in sentence severity that might be due to differences in offense severity. The samples in each site were to be stratified to ensure equal numbers of cases for subjects in the age ranges of 16-17 (Juvenile), 18-20 (Young Adult), and 21-25 (Older Adult). The data collected and analyzed for each case were to include: characteristics of the arrest offense, the defendant's juvenile and adult criminal record, and the disposition of the case.

Our original plan called for the selection and coding of 1200 cases in each of the four sites, equally divided among the two types of arrest charges and three age groups. Table 4.1 shows how many cases we were ultimately able to code. None of the juvenile data from Providence were available because we were unable to obtain a computer tape containing the disposition of the sample cases, and only aggregate data were available for defendants spanning the age groups from 18 to 25.

In Seattle, the last site to be coded, we limited our data collection to young adults because we were running short of funds. In both Seattle and Las Vegas, we ended up with fewer armed robbery cases than desired because we exhausted the universe of possible cases. (See App. B for a more detailed description of our sampling plan and coding procedure.)

Table 4.1

NUMBERS OF CODED CASES

Site	Robbery			Burglary		
	16-17	18-20	21-25	16-17	18-20	21-25
Los Angeles	201	202	185	206	235	285
Las Vegas	67	157	164	202	179	194
Providence	(a)	114		(a)	231	
Seattle		73			200	

[a]On tape but unavailable.

THE GENERAL PATTERN OF DISPOSITIONS

Figures 4.1 through 4.4 show the general pattern of dispositions across offense types and age groups for Los Angeles and Las Vegas. For instance, Fig. 4.1 shows that 59 percent of the 16-17 age group who were arrested for armed robbery in Los Angeles were convicted,[2] 39 percent were sentenced to some period of incarceration, and 20 percent were sentenced to a state correctional facility, which for juveniles is the California Youth Authority.[3]

These figures illustrate two important features of sentencing patterns for young adults. First, they show no evidence of wholesale leniency toward young adults (ages 18-20). In both sites where we have comparable data for other age groups, young adults charged with armed robbery have the highest probability of incarceration and of serving state time.

[2]Technically, juveniles are not convicted of a crime; rather, the petition alleging their delinquency, which is filed by the prosecutor, is sustained by the juvenile court. However, the requirements for a conviction or finding of delinquency are similar, with the major exception that juveniles do not have the right to a jury trial.

[3]We have no data on how the length of time served may vary systematically across different age groups. However, we do know that young adults sentenced to the California Youth Authority, in lieu of state prison, serve somewhat shorter terms than those sent to prison.

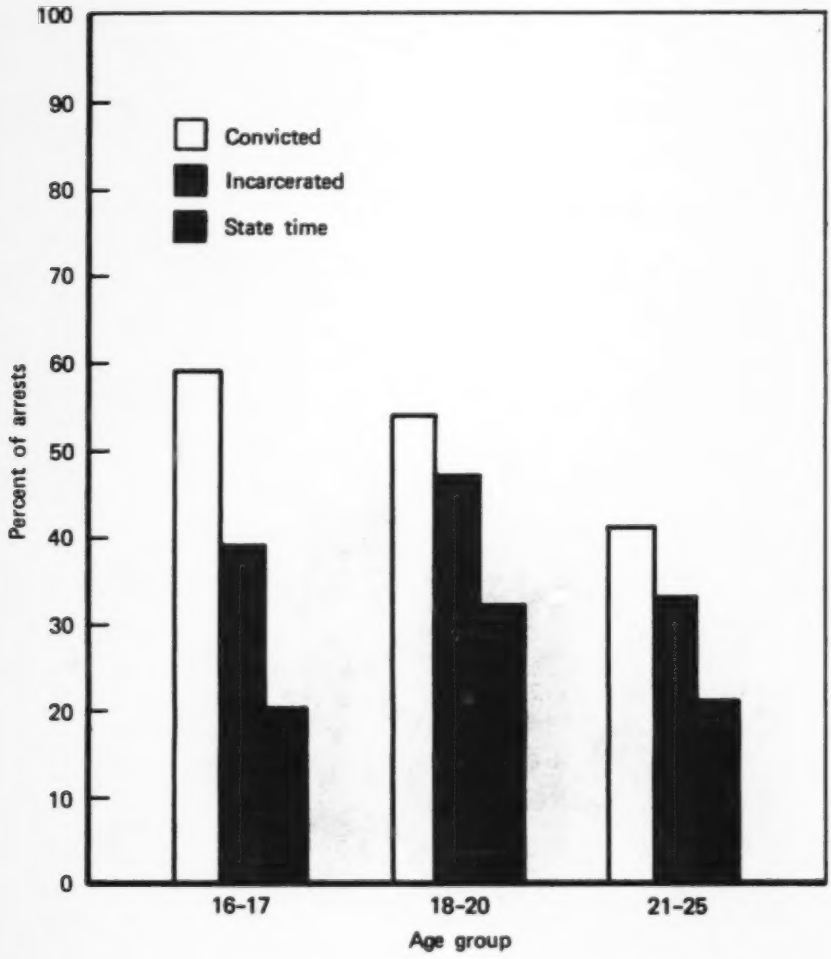

Fig. 4.1 -- Disposition of arrests: Los Angeles robberies

For burglary defendants the results are somewhat mixed. In fact, the second principal finding is that the disposition patterns across age groups differ considerably for robbery and burglary. Both findings had been suggested by the analysis of aggregate data in our earlier study (Greenwood, Petersilia, and Zimring, 1980).[4]

[4]Our previous report also showed that conviction and incarceration rates for older defendants are no higher than those experienced by 21- to 25-year-olds.

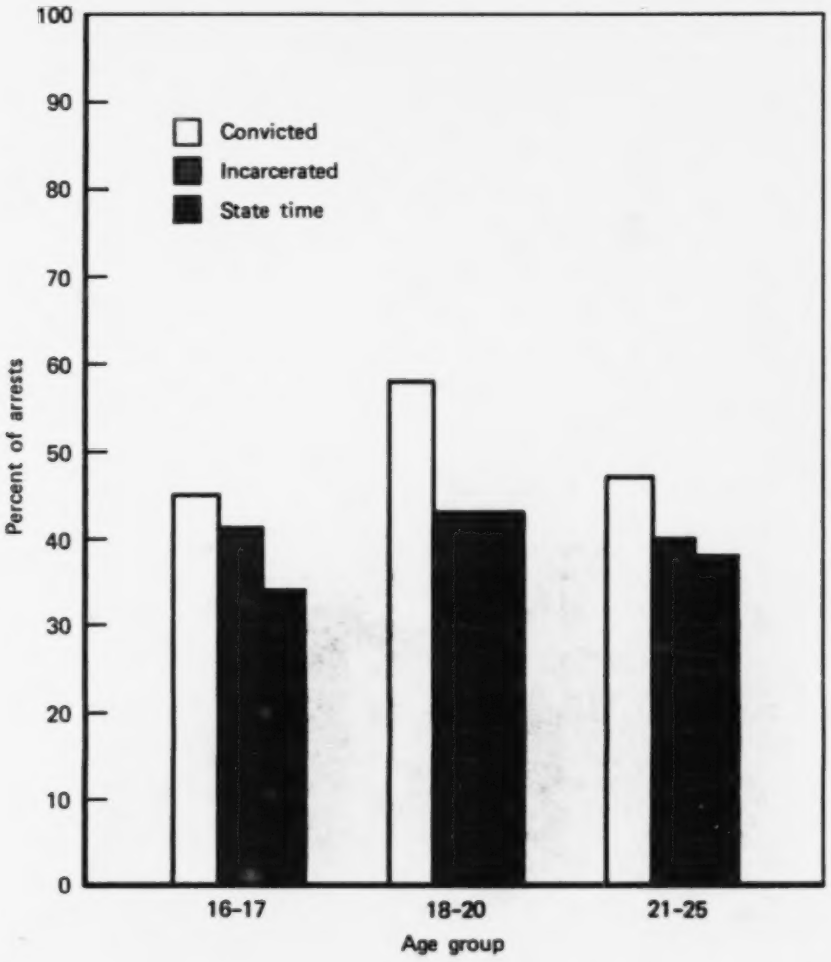

Fig. 4.2 -- Disposition of arrests: Las Vegas robberies

The first finding comes as somewhat of a surprise, given all the recent concern about how chronic young adult defendants might be slipping unnoticed through the revolving doors of justice. We would expect the somewhat older defendants to have acquired longer records and consequently receive the longer terms. Only after controlling on prior record did we expect to see some of the apparent leniency toward young

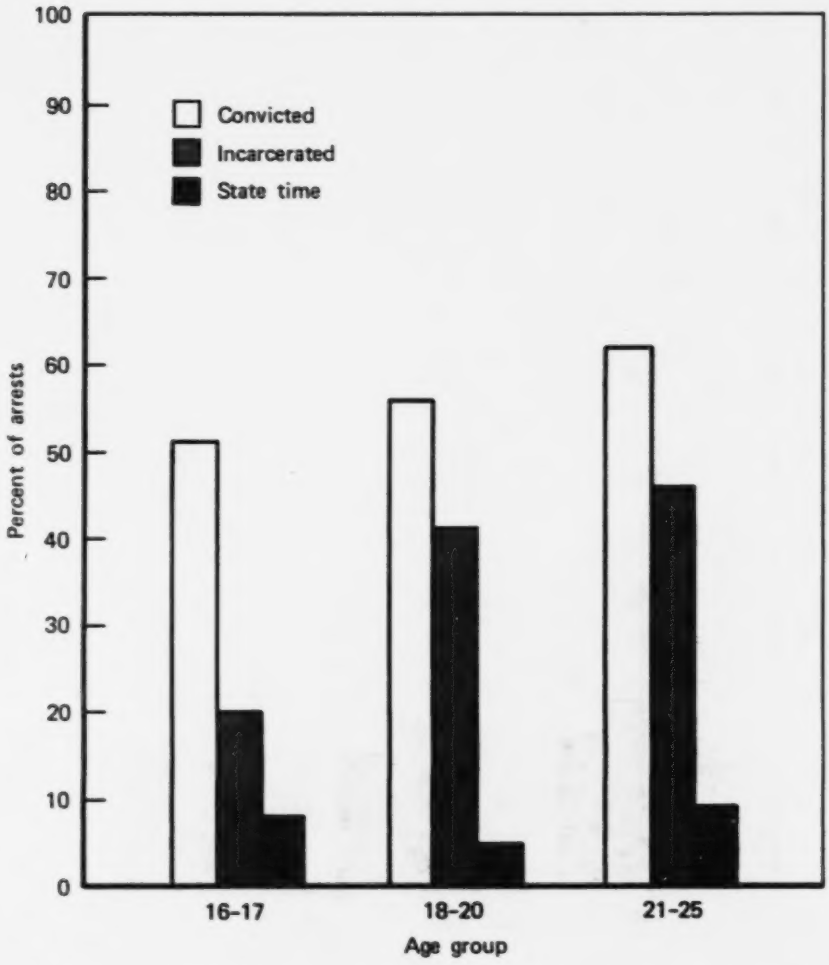

Fig. 4.3 -- Disposition of arrests: Los Angeles burglaries

adults diminish. But here it is gone before we even begin.[5]

The second finding, about variations between robbery and burglary dispositions, also is important. Since juvenile records are equally available (or unavailable) for robbery and burglary cases in any one

[5]Our research design does not allow us to determine how sanctions for young adults have been changing over time. However, the fact that prosecutors have, in the last few years, become aware of the risk posed by young chronic offenders suggests that the relative severity with which this group is sentenced may be increasing.

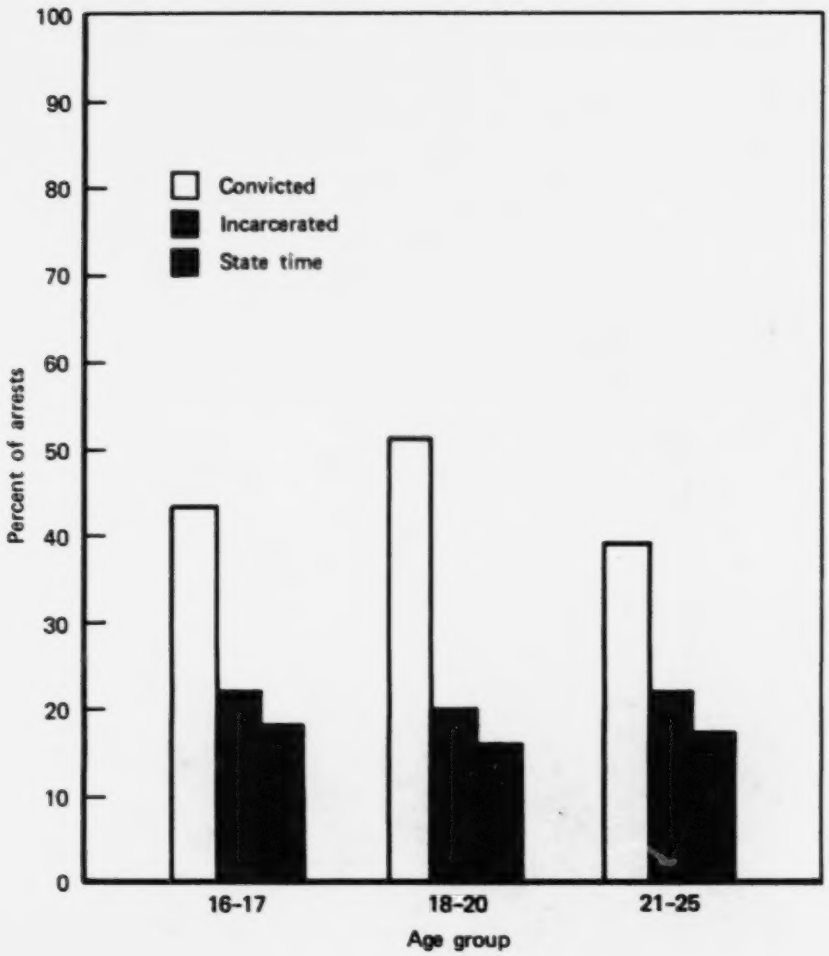

Fig. 4.4 -- Disposition of arrests: Las Vegas burglaries

site, it appears that local sentencing policies have much more of an impact on how young adults are treated, than any modest variations in the availability of juvenile records.

CONTROLLING ON OFFENSE SERIOUSNESS AND PRIOR RECORD

To estimate the effects of juvenile records or age on case dispositions, it is necessary to introduce statistical controls on other factors that may affect the outcomes. In this analysis we examine the combined effects of the seriousness of the current offense, prior juvenile record, and prior criminal record on case outcomes.

Other studies have shown that older offenders tend to commit somewhat more serious crimes than younger offenders, within any given crime type (Greenwood, Petersilia, and Zimring, 1980; Greenwood, Lipson, Abrahamse, and Zimring, 1983). The less serious the crime type, the greater the proportion of juveniles among persons arrested. In coding robbery cases, we used five measures of offense severity in order to distinguish among age groups: type of weapon used, type of premises, injury to victims, number of perpetrators, and number of victims.[6] Table 4.2 shows how the armed robberies committed by the three different age groups in Los Angeles are reflected in these measures.

Of the five factors considered, three were found to be significantly related to age: gun use, type of premises, and number of perpetrators. If the presence of any of these characteristics consistently leads to more severe dispositions, then it is necessary to control for them in our analyses across age groups.

Table 4.2

PRESENCE OF SERIOUSNESS FACTORS IN LOS ANGELES ROBBERY ARREST SAMPLE

(Percent of arrests)

Seriousness Factor	Age Group		
	16-17	18-20	21-25
Gun used	45	51	57
Residential or commercial premises	22	39	44
Any injury to victim(s)	71	77	74
Major injury to victims(s)	8	10	11
Single perpetrator	23	34	27
Multiple victims	28	20	26

[6]We also attempted to classify and code the kind of relationships that may have existed between victim and offender prior to the crime. However, we dropped this item from the coding form when we discovered how long it took to find the few prior-relationship cases in our sample.

A cross-tabulation of case outcomes against these three variables disclosed that "gun use" and "type of premises" were related to the severity of dispositions in Los Angeles, while only "gun use" was so related in Las Vegas. As we might expect, robbers who used guns, or who robbed residential or commercial premises in Los Angeles, were more likely to be incarcerated or sentenced to state time than those who were less lethally armed or who robbed less lucrative or secure targets.

Prior juvenile records can be measured in a number of ways including age at first arrest, number of arrests, number of sustained petitions, most serious offense, most serious disposition, or specific patterns of offending. The single measure that we found to be most strongly related to sentence severity was the number of juvenile arrests. *Young adults with five or more juvenile arrests were almost twice as likely to be incarcerated or sentenced to state time as those with fewer arrests.* A juvenile arrest involving violence on the record did not seem to have any impact; age at first arrest or the number of sustained petitions was too difficult to determine accurately.

Among the adults in our sample, the only aspect of their adult criminal record which appeared to have a strong and consistent relationship with their case outcome was an arrest for a crime against the person. The number of adult arrests had little effect (presumably because the defendants had not yet had enough "exposure time" to acquire much of an adult record).

The most straightforward method of estimating the combined effects of these factors on case outcomes is to construct a simple scale that indicates the number of aggravating factors present in any particular case. Table 4.3 shows how the aggravating factors are distributed among the age groups.

Los Angeles Robbers

Figure 4.5 shows the effects of the three possible aggravating factors on sentences for young adult robbers (ages 18-20) in Los Angeles. They are substantial. The presence of a single factor almost doubles the probability of being sentenced to a state institution (from 15 to 27 percent); the presence of a second factor almost doubles it

Table 4.3

DISTRIBUTION OF AGGRAVATING FACTORS AMONG COMBINATIONS OF AGE GROUPS AND OFFENSE TYPE: LOS ANGELES AND LAS VEGAS

(Percent of arrests within age group and offense type)

	Los Angeles						Las Vegas					
	Armed Robbers			Residential Burglars			Armed Robbers			Residential Burglars		
Type of Arrest	16-17	18-20	21-25	16-17	18-20	21-25	16-17	18-20	21-25	16-17	18-20	21-25
Aggravated offense[a]	54	62	66	N.A.	N.A.	N.A.	81	68	63	N.A.	N.A.	N.A.
5 or more juvenile arrests	35	25	N.A.[b]	24	24	N.A.[b]	25	15	N.A.[b]	26	24	N.A.[b]
Violent adult arrest	N.A.	40	51	N.A.	19	37	N.A.	30	49	N.A.	14	23

NOTE: N.A. = not available.

[a]Our definition of an aggravated armed robbery in Los Angeles is a robbery that either involved the use of a gun or was committed in a residence or commercial premise. Since most of the armed robberies in Las Vegas fit this definition, the definition was restricted to those involving guns.

[b] The juvenile record for many of our 21-25 age group had already been purged from agency records and was therefore not available for study.

again. Each factor has about the same marginal effects. The factors have little apparent effect on conviction rates, which are all about 54 percent.

The number of aggravating factors in a case also affects the disposition of juvenile (ages 16-17) and older adult (ages 21-25) cases as well, as is shown in Fig. 4.6. For a juvenile arrested for armed robbery, the probability of incarceration jumps from 23 percent for those with no aggravating factor to 63 percent for those with two

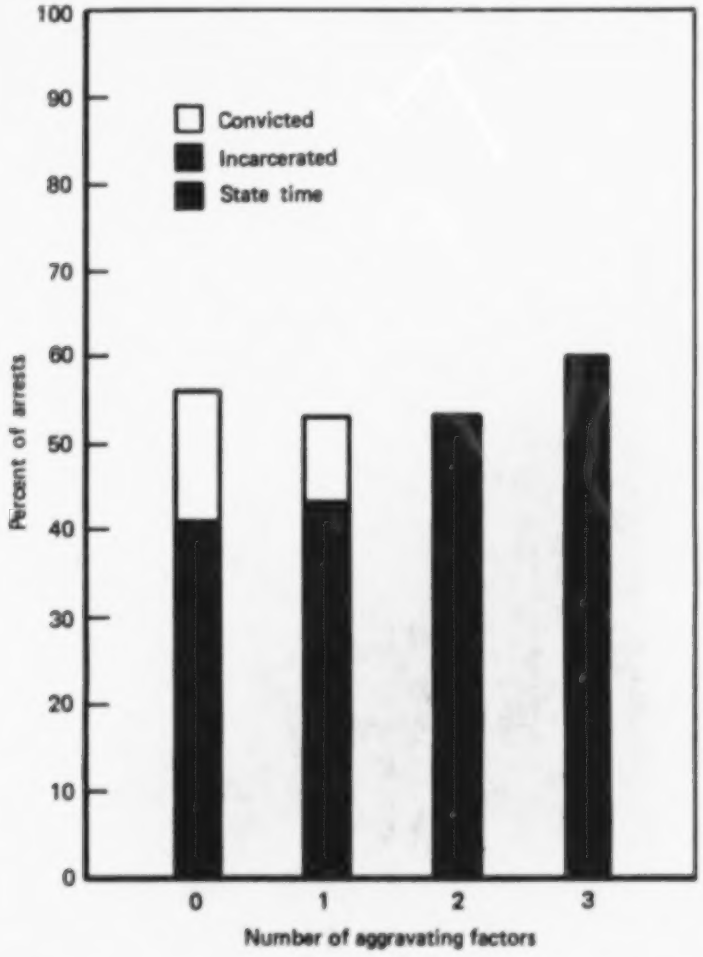

Fig. 4.5 -- Disposition of young adult robbers: Los Angeles

factors--virtually every one whose petition is sustained. For both juveniles and older adults, the number of aggravating factors also appears to have some effect on conviction rates: the more factors, the higher the chances of conviction.

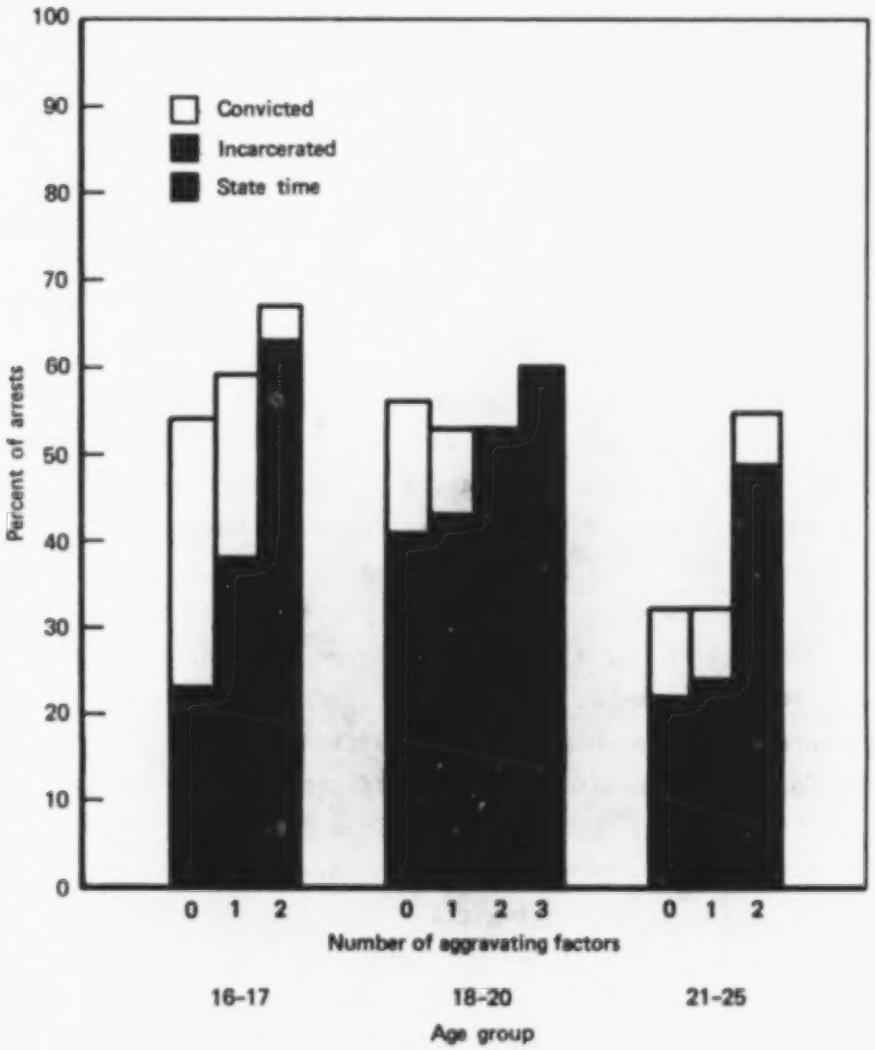

Fig. 4.6 -- Disposition of Los Angeles robbers: all age groups

When we look at the relative severity with which each age group is treated, given any level of aggravating factors, we find that the young adults are generally treated the harshest. A young adult with no aggravating factors is twice as likely to be incarcerated or sentenced to a state institution compared to juveniles or older adults with no aggravating factors. At any given level of prior record severity, young adults are sentenced at least as severely as any other age group.

Los Angeles Burglars

The situation for burglary defendants in Los Angeles is somewhat different. Figure 4.7 shows the pattern for young adults. For burglary defendants, there are only two possible aggravating factors: (1) five or more juvenile arrests for criminal offenses, or (2) at least one adult arrest for a crime against the person. As Fig. 4.7 shows, the probability of incarceration actually declines as the number of aggravating factors increases, and there is no consistent effect on the probability of being sentenced to a state institution. Clearly, chronic offenders who are arrested for burglary are in no more jeopardy of a severe sentence than those with limited or no juvenile record.

This pattern does not appear in the sentencing of burglars in slightly younger or older age groups. Figure 4.8 shows the disposition patterns. For both groups, the presence of aggravating prior record factors increases the probability of conviction, incarceration, or being committed to a state institution. The effects on juveniles are the strongest.

The aggravating factors affect the severity with which age groups are treated. With no aggravating prior record (fewer than five arrests), a juvenile burglar is much less likely to be incarcerated or committed to a state institution. With five or more juvenile arrests, however, juveniles are just as likely to be incarcerated, and much more likely to be committed to state institutions, than are young adults. In fact, among chronic offenders arrested for burglary, young adults seem to be treated more leniently than younger or older offenders.

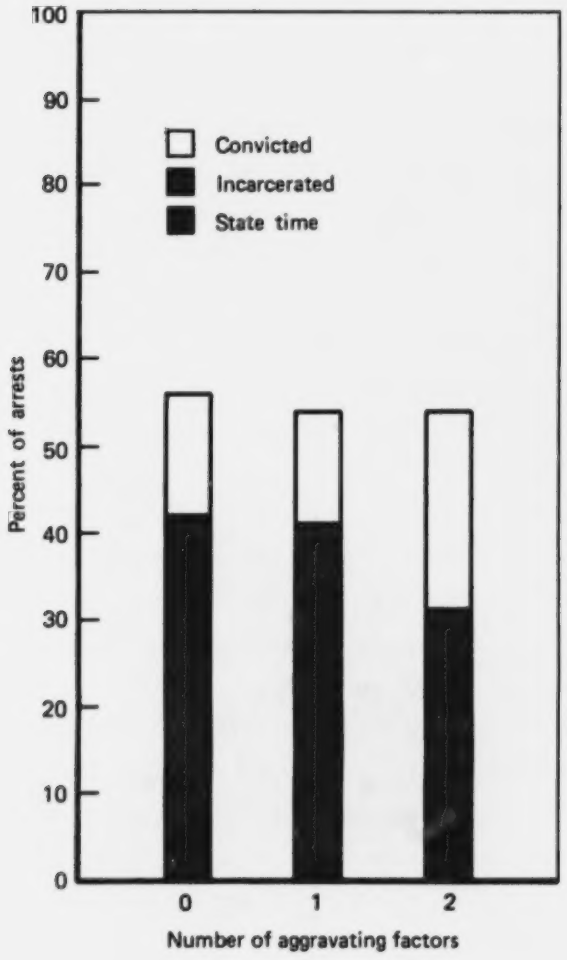

Fig. 4.7 -- Disposition of young adult burglars: Los Angeles

In Los Angeles, juvenile records affect disposition differently between robbery and burglary cases. In robbery cases, juvenile records appear to have a strong influence on outcomes; in burglary cases they appear to be ignored--a startling discrepancy, since we would expect the court to be equally interested in identifying both chronic robbers and burglars.

One possible explanation may lie in the procedures for handling these cases. Robbery cases are always treated as felonies and disposed of in Superior Court. Burglary cases, under California Penal Code Sec.

17.b, can be (and often are) treated as misdemeanors[7] at the discretion of the prosecutor or the court. Cases that are settled as misdemeanors in the municipal courts do not require the preparation of a presentence report, which is the judge's primary source of information on a defendant's juvenile record. Therefore, it is conceivable that the principal source of the discrepancy we are considering is the procedural shortcut that allows many young adult burglary defendants to be sentenced as misdemeanants, without the court even considering their juvenile records. Of course, other policy considerations may render the court reluctant to sentence young adult defendants to state institutions for property crimes, but would not hold in the case of a violent crime such as robbery.

Data from another jurisdiction in California suggest that the apparent leniency afforded to chronic young adult burglary defendants in Los Angeles may be a matter of local policy or priorities. In Sacramento, sentences for young adult burglars show the same prior-record effects that we found among Los Angeles robbery cases. The presence of five or more juvenile arrests, or one adult arrest for a crime against the person, increases the probability of being committed to a state institution by a factor of 10--rising from 4 to 48 percent of those arrested. In Sacramento, almost every young adult defendant who was convicted of residential burglary was sentenced to some local or state time (Greenwood, Lipson, Abrahamse, and Zimring, 1983).

Las Vegas Robbers

The disposition pattern for young adult robbery defendants in Las Vegas differs somewhat from that in Los Angeles (see Fig. 4.9). The presence of only one aggravating factor by itself (a category that includes about half of the cases) appears to have no effect on the final sentence. It is only when two or more aggravating factors are present (about one-third of the cases) that we see a substantial increase in the likelihood of incarceration or a state-level commitment.

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[7]The offense categories that can be treated as either felonies or misdemeanors are called "wobblers" by people in the system.

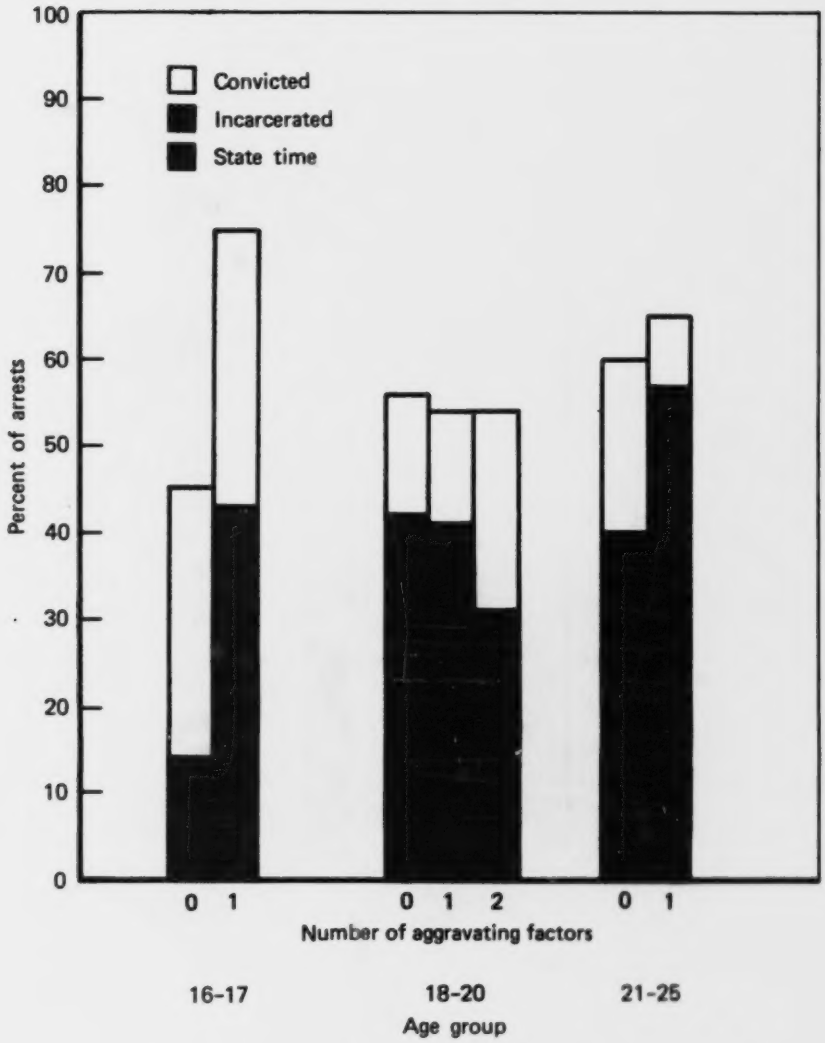

Fig. 4.8 Disposition of Los Angeles burglars: all age groups

The sentencing pattern for juvenile robbers in Las Vegas follows the same general pattern exhibited for young adults, but the pattern for older adults does not. Figure 4.10 displays the patterns for all three age groups. In juvenile robbery cases, the use of a gun or five prior arrests do not by themselves lead to harsher treatment. But when both occur together they double the likelihood of incarceration or commitment

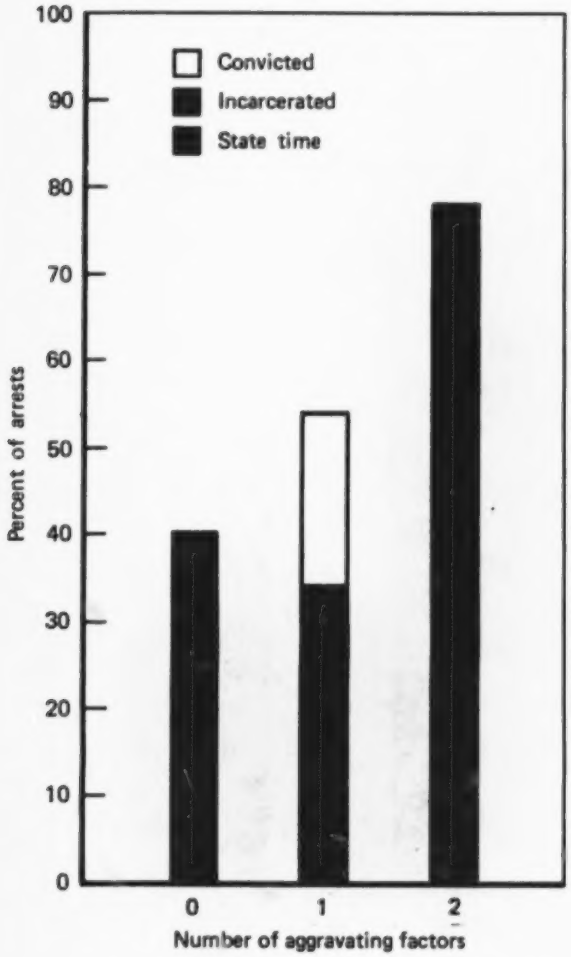

Fig. 4.9 Disposition of young adult robbers: Las Vegas

to a state facility--by increasing the probability of conviction. In older adult cases, the use of a weapon or an arrest for a prior violent offense had no consistent effects, whether they occurred alone or together. Older adults with no aggravating factors had the highest conviction rate, incarceration rate, and probability of being committed to state prison.

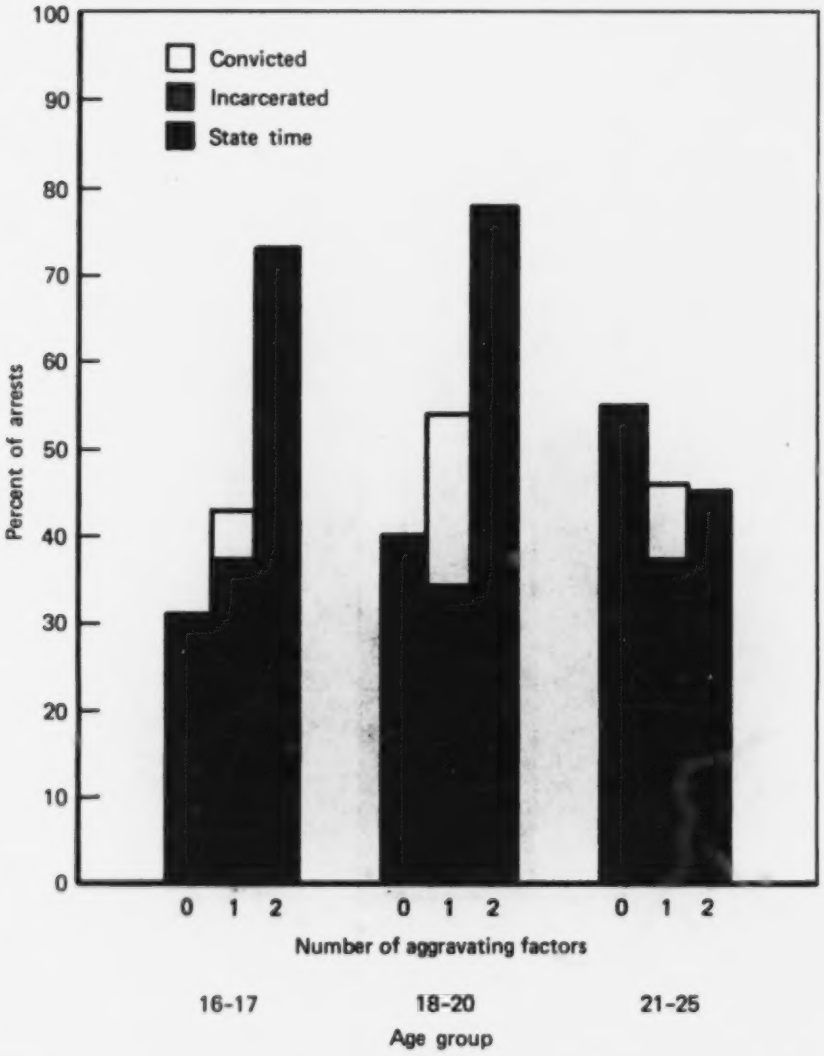

Fig. 4.10 -- Disposition of Las Vegas robbers: all age groups

Las Vegas Burglars

In the Las Vegas burglary cases, prior adult and juvenile records did appear to affect conviction and incarceration rates. Figure 4.11 shows the disposition pattern for young adults. A record of five juvenile arrests or an adult arrest for a violent crime triples the probability of incarceration or commitment to a state facility.

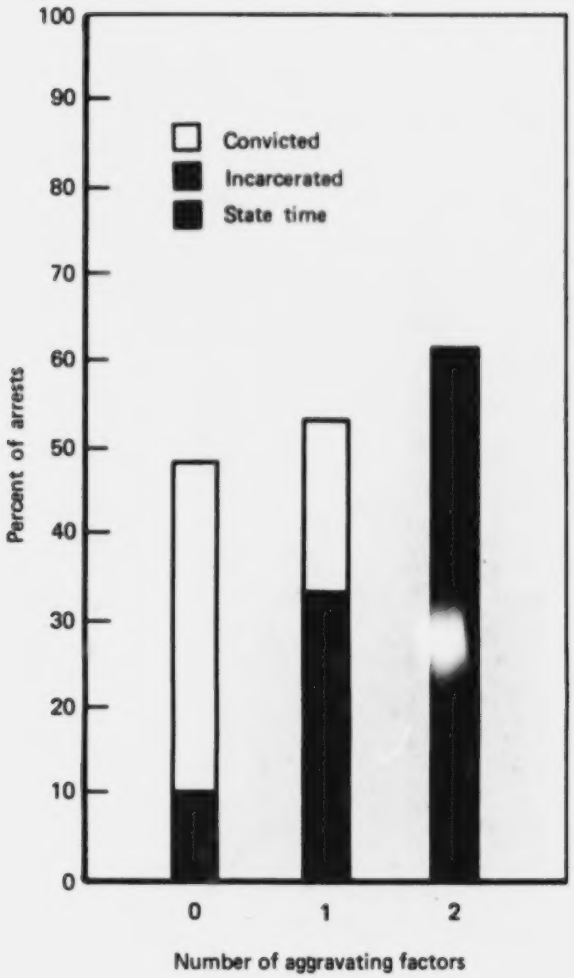

Fig. 4.11 -- Disposition of young adult burglars: Las Vegas

Figure 4.12 shows the patterns for all three age groups of burglary defendants. For any given number of aggravating factors, the young adults have the highest probability of conviction, incarceration, or state commitment. One aggravating factor (five juvenile arrests) affects juvenile cases much more than it does older adult cases.

Seattle Young Adults

We selected Seattle to represent one of the end-points on the juvenile-record-sharing continuum. The King County Prosecutor, in whose jurisdiction Seattle lies, maintains his own set of criminal history records on every defendant, juvenile or adult, with whom his office has contact. In making his sentencing recommendations, which are based on a sentencing guideline grid, juvenile convictions are counted in computing the prior record score--although they are discounted somewhat in comparison with adult convictions.

Our sample cases were selected from cases filed by the King County Prosecutor, and therefore are not directly comparable with the arrest samples selected in the other two sites. They also are not limited to armed robbery and residential burglary, but include robberies and burglaries of every type. Although these differences must be taken into account when comparing the outcomes of cases across sites, they should not distort our assessment of the impact of prior juvenile records on young adult defendants.

Our measure of juvenile record severity in Seattle is the number of petitions filed. Figure 4.13 shows how the number of prior petitions filed is related to case outcomes for young adult defendants. In the robbery sample there are no clear patterns, possibly because of the small number of cases (n = 72). Among all defendants charged with robbery, those with five or more prior juvenile petitions faced the lowest probability of conviction or incarceration--but if convicted, they had the greatest likelihood of being sentenced to prison.

In the burglary sample the results are clearer: The number of prior petitions filed appears to have consistently aggravating affects on the final sentence. The probability of being incarcerated, upon conviction, increases slightly from 0.75 (58/77) for those with no priors to 0.93 (75/81) for those with five or more. The probability of being sentenced to state prison increases from 0 to 0.35.

In summary, the severity of a young adult defendant's prior juvenile record in Seattle appears to have no consistent effects on his probability of conviction or the likelihood that he will be incarcerated

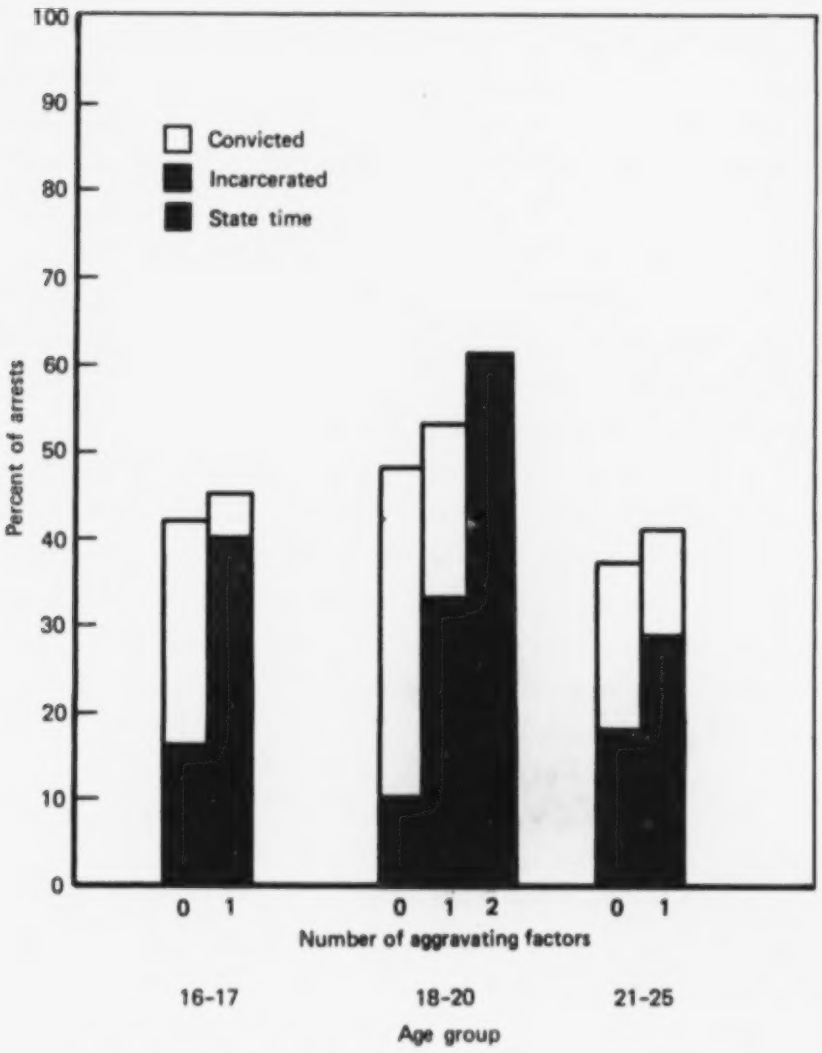

Fig. 4.12 Disposition of Las Vegas burglars: all age groups

upon conviction. This pattern suggests that whatever informal diversion takes place in this system for defendants with minor prior records occurs prior to the filing of charges. It also suggests that almost all convicted robbers and burglars are subjected to some incarceration, regardless of their record, comporting with "just deserts" and "general deterrence" theories of sentencing.

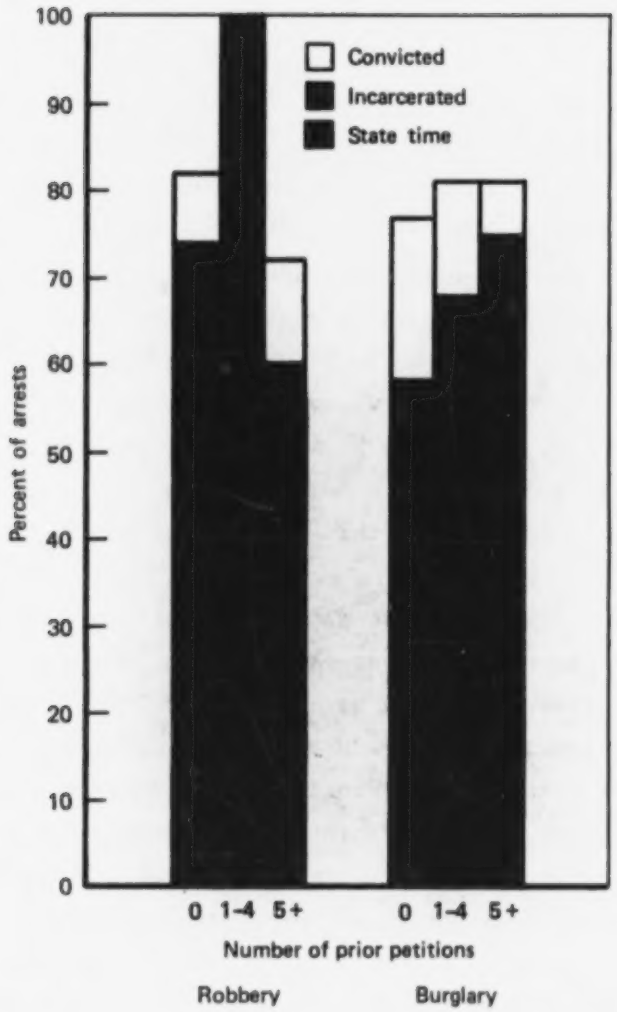

Fig. 4.13 -- Disposition of young adult defendants in Seattle

Prior juvenile record appears to have its principal effect on where the incarceration is served, and hence its duration. Those with lengthy juvenile records are more likely to serve their time in state correctional facilities, and hence to serve more time.

CONCLUSIONS

This analysis tells us several things about the handling of young adult defendants in criminal courts, and the consideration that is given to their prior juvenile record. First, in the two jurisdictions where we could make the appropriate comparisons, young adults were treated as severely as any other age group, for some categories of offenses, even without any attempt to control on aggravating factors that might affect their sentence. When we control on offense severity and prior record, we frequently find young adults receiving harsher sentences than other age groups. The one exception to this finding occurred among young adult burglars in Los Angeles, where we found the sentences of those with extensive prior records to be considerably more lenient than those of older or younger defendants. However, data from another California site (Sacramento) suggest that this pattern may not be common throughout the state.

The second point that these data illustrate is that the availability of prior juvenile or adult records does not guarantee that they will be considered or will have an effect. For young adult burglars in Los Angeles, older adult robbers in Las Vegas, and young adult robbers in Seattle, the severity of their prior records had no consistent effect on the disposition of their cases. In Los Angeles, this situation may be due to the common practice of settling many burglary cases, particularly those involving defendants with minimal prior (adult) records, as misdemeanors without resorting to extensive presentence investigation reports. Sacramento, which operates under the same law and conditions, does not have the same problems.

Some would argue that the combined scale does not do an adequate job of isolating the unique relationship between case outcomes and prior juvenile record. As another method of showing this relationship, Table 4.4 cross-tabulates the percentage of young adult arrests resulting in a state sentence for each site and offense-type combination against prior juvenile record. The pattern of relationships between prior juvenile record and percentage of arrestees sentenced to state prison is consistent with the patterns shown by the combined scale.

Table 4.4

PERCENT OF YOUNG ADULT ARRESTS RESULTING IN A STATE PRISON SENTENCE

Site and Offense Type	Prior Juvenile Record: Fewer than 5 Arrests	Prior Juvenile Record: 5 or more Convictions
Los Angeles robbers	27%	42%
Los Angeles burglars	5	5
Las Vegas robbers	40	61
Las Vegas burglars	8	30
Seattle robbers	52	56
Seattle burglars	1	28

There is another way of looking at these results that considers the interactions between offense seriousness and prior record. Remember that we are only looking at the so-called "in/out" decisions, not the duration of terms. In order for us to expect juvenile records to have any impact on adult sentences, we would first have to be assured that commitment decisions are sensitive to prior record in general. The more apparent the effects of adult prior records, the greater the likelihood we will find effects from juvenile records. For any particular type of offense, the extent to which prior record can influence commitment decisions will depend on how strong a presumption there is for or against incarceration. If incarceration or state commitment is strongly favored for particular offense types, then prior-record effects will be limited to a mitigating influence, if the record is very light. If the presumption against incarceration is strong, only a very serious juvenile record will have much effect.

Consider the Seattle robbers. A robbery conviction in Seattle invariably results in incarceration and a high probability of state time. Prior record appears to have no clear effect. For burglary, the presumption is clearly against state time; less than 3 percent of those with fewer than five juvenile petitions are committed. But for those

with five or more, the probability of a state commitment jumps to 28 percent.

The situation in Las Vegas is much the same. Most convicted robbers are sentenced to state prison, so prior records can have little impact. For young adult burglars, however, the presumption runs against state prison, and prior record, whether juvenile or adult, has considerable weight in overcoming the presumption.

In California there is clearly no presumption that most robbers should be sentenced to prison. Of those with minor records who are convicted, fewer than a third are committed to state time. Therefore, there is plenty of room for juvenile or adult records to have an effect.

A third point that this study makes is that the effects of juvenile record availability are not necessarily all one way. A reliable juvenile record index can be used to rebut a presumption of chronic criminality as well as to identify the chronic offender. Compare what happens to young adult burglary defendants in Seattle and Las Vegas. Seattle is the highest information-sharing jurisdiction in our sample, Las Vegas the lowest. Both send a majority of their convicted robbers to prison. But a burglar with a modest prior record is better off in Seattle, which is much more lenient about sending convicted burglars to state prison, especially those whose juvenile records are not severe.

The fourth point this study makes is that consideration of juvenile records only at the time of sentencing may provide sufficient discrimination between chronic and occasional offenders, as was shown by the Las Vegas sentencing patterns. However, the fact that conviction rates in Las Vegas consistently increased with increases in the severity of juvenile record suggests that some information about juvenile records may be available during earlier stages in the proceedings. The issue of when in a criminal proceeding the juvenile record of the defendant should first be considered is an issue that this study cannot address. The recording of when juvenile records are first received by the prosecutor is too imprecise, and the effects of other policy differences across sites are too large, to allow for any useful cross-site comparisons. The question of whether juvenile records should be a consideration in diverting a case, whether formally or informally through dismissal, is a policy choice whose ramifications can best be explored in the context of a specific sentencing framework.

CHAPTER 5

CONCLUDING REMARKS

Our investigation of the availability, use, and effects of juvenile records in adult court proceedings has led us in directions we did not foresee when we began this work five years and two research grants ago. Our initial work was motivated by two tenets of the generally accepted wisdom: (1) The special protections that are afforded to juvenile police and court records prevent criminal court prosecutors and judges from identifying chronic offenders during the peak years of their careers. (2) Furthermore, it is assumed that this protection promotes unwarranted leniency in the sentencing of young adult defendants, because all young adults will be treated as first offenders in the absence of juvenile records.

As it has turned out, juvenile records are more often available than not. In fact, it is difficult to find a jurisdiction in which criminal courts have absolutely no access to juvenile records. Such access, then, is not a simple yes-or-no proposition, but a matter of degree. The degree of information-sharing, and the quality and completeness of the records shared, are distributed along a a fairly wide continuum, with only a few sites falling at the extremes of no access at all and access to juvenile records on a par with access to adult records. Most sites are clustered in the middle ground of providing fairly complete access to local arrest and probation records by the time of sentencing, if a presentence report is prepared.

This degree of access in no way makes it inevitable that chronic young adult defendants will be prosecuted and sentenced as severely as some observers might predict from their records. It has been the experience of Career Criminal Prosecution units that early identification and targeting of particular defendants can increase their likelihood of conviction and eventual sentence. Postponing this identification until the time of sentencing would seem to eliminate the possibility of any such special prosecutor efforts.

Nor does it appear that young adults receive special leniency in criminal courts--certainly not to the degree that most commentators assumed several years ago. For the most part, in the jurisdictions we examined, young adult defendants were treated as severely as any other age group. Furthermore, this harsh treatment is usually selective. Juvenile records appear to affect the sentences of young adult defendants as much as the criminal records of older adults affect their sentences.

Knowing the information-sharing practices of a jurisdiction tells us little about how young adults will be treated in court. In fact, knowing how offenders charged with one type of crime are treated tells us little about what to expect for others. There is no clear relationship between juvenile record availability and sentencing severity. Instead, the effects of juvenile record access are mediated by sentencing attitudes toward specific crime types and the emphasis on prior records of any type. Sentences for young adult burglars in Seattle, our highest information-sharing site, are generally less severe than those received by young adult burglars in Las Vegas, our lowest information-sharing site. It might even be argued that a comprehensive juvenile criminal history index could be used to achieve opposite ends: both to rebut assumptions about past criminal behavior as well as to identify chronic offenders.

Finally, we have discovered that access to relatively complete juvenile records--complete in the sense that they tell us how each recorded arrest was disposed of--only opens up another Pandora's box that sentencing theorists must deal with. Presentence investigation reports often note many juvenile arrests for which no subsequent petition was filed or sustained. In fact, most arrests do not result in a finding of delinquency. Nevertheless, these charges are often used to represent the defendant's history of delinquency. It would appear that one of the most controversial issues to be resolved in this area is whether it is appropriate to use this unsubstantiated information. Clearly, in most instances there will be close correlation between the number of juvenile arrests recorded, petitions sustained, and actual juvenile criminality. But there is also a hazard that the use of

unsubstantiated arrest information may impel incorrect assessments of past criminality or predictions of future criminality (false positives in either case). That issue remains to be explored. For this reason, the conclusions of the study must be regarded as tentative.

APPENDIX A

REFERENCE TABLES

Table A.1

DISPOSITION OF ARRESTS

(In percent)

	Age Group		
Disposition	16-17	18-20	21-25
Los Angeles Robberies			
Convicted	59	54	41
Incarcerated	39	47	33
State time	20	32	21
Las Vegas Robberies			
Convicted	45	58	47
Incarcerated	41	43	40
State time	34	43	38
Los Angeles Burglaries			
Convicted	51	56	62
Incarcerated	20	41	46
State time	8	5	9
Las Vegas Burglaries			
Convicted	43	51	39
Incarcerated	22	20	22
State time	18	16	17

Table A.2

DISPOSITION OF YOUNG ADULT ROBBERS: LOS ANGELES

(In percent of arrests)

Number of Aggravating Factors	Sentence	
	Incarcerated	State Time
0	41	15
1	43	27
2	53	46
3	60	45

Table A.3

DISPOSITION OF LOS ANGELES ROBBERS

(In percent of arrests)

Number of Aggravating Factors	Age Group	Convicted	Incarcerated	State Time	N
0	16-17	54%	23%	8%	57
	18-20	56	41	15	46
	21-25	32	22	3	36
1	16-17	59	38	20	107
	18-20	53	43	27	69
	21-25	32	24	10	75
2	16-17	67	63	39	37
	18-20	53	53	46	59
	21-25	55	49	44	68
3	18-20	60	60	45	20

Table A.4

DISPOSITION OF YOUNG ADULT BURGLARS: LOS ANGELES

(In percent of arrests)

Number of Aggravating Factors	Incarceration	State Time
0	42	6
1	41	2
2	31	8

Table A.5

DISPOSITION OF LOS ANGELES BURGLARS

(In percent of arrests)

Number of Aggravating Factors	Age Group	Convicted	Incar-cerated	State Time	N
0	16-17	45%	14%	2%	257
	18-20	56	42	6	151
	21-25	60	40	6	167
1	16-17	75	43	26	49
	18-20	54	41	2	60
	21-25	65	57	13	99
2	18-20	54	31	8	20

Table A.6

DISPOSITION OF YOUNG ADULT ROBBERS: LAS VEGAS

(In percent of arrests)

Number of Aggravating Factors	Convicted	Incarcerated	State Time
0	40	36	36
1	54	34	33
2 or more	78	62	62

Table A.7

DISPOSITION OF LAS VEGAS ROBBERS

(In percent of arrests)

Number of Aggravating Factors	Age Group	Convicted	Incar-cerated	State Time	N
0	16-17	31%	31%	31%	8
	18-20	40	36	36	33
	21-25	55	49	49	33
1	16-17	43	37	29	38
	18-20	54	34	33	72
	21-25	46	37	31	74
2	16-17	73	73	73	11
	18-20	78	62	62	45
	21-25	45	41	41	52

Table A.8

DISPOSITION OF YOUNG ADULT BURGLARS: LAS VEGAS

(In percent of arrests)

Number of Aggravating Factors	Convicted	Incarcerated	State Time
0	48	10	8
1	53	33	31
2 or more	61	61	40

Table A.9

DISPOSITION OF LAS VEGAS BURGLARS

(In percent of arrests)

Number of Aggravating Factors	Age Group	Convicted	Incar-cerated	State Time	N
0	16-17	42%	16%	14%	145
	18-20	48	10	8	116
	21-25	37	18	16	141
1	16-17	45	40	28	50
	18-20	53	33	31	49
	21-25	41	29	19	45
2	16-17	--	--	--	--
	18-20	61	61	40	11
	21-25	--	--	--	--

Table A.10

DISPOSITION OF YOUNG ADULT DEFENDANTS IN SEATTLE

(In percent of cases filed)

Crime Type	Number of Petitions Filed	Convicted	Incarcerated	State Time	N
Robbery	0	82%	74%	47%	34
	1-4	100	100	64	14
	5+	72	60	56	25
Burglary	0	77	58	0	96
	1-4	81	68	4	47
	5+	81	75	28	57

APPENDIX B

RESEARCH DESIGN

This study was designed to determine how information-sharing policies between juvenile and criminal courts can affect the disposition of young adult defendants. The basic design of the project involved comparisons across sites of various measures of sanction severity for similar arrest samples.

SITE SELECTION

Site selection was not random. Specific sites were chosen because: (1) They represented a particular point on the juvenile-record information-sharing continuum; and (2) they agreed to grant us access to their data. We also limited our selection to states in which jurisdiction of the juvenile court terminated at the 18th birthday.

Since most jurisdictions neither routinely include nor prohibit the use of juvenile records in criminal court proceedings, a random selection of only four or five sites would be unlikely to include any that fall into the "complete information-sharing" or "no information-sharing" categories. Therefore, in the interests of obtaining a wide spectrum of possible information-sharing policies, the key independent variable to be tested in this study, we selected sites on the basis of their known information-sharing policies. The best source of this information was our earlier survey of prosecutors (Greenwood, Petersilia, and Zimring, 1980; Petersilia, 1981), updated and modified by telephone interviews with practitioners in candidate sites. Visits were made to each candidate site in order to identify and negotiate access to the specific records we would require, and to discuss disposition policies for juveniles and young adults with experienced practitioners.

The four sites finally selected were:

Providence, Rhode Island	--	The only major metropolitan jurisdiction responding to our survey in which we were able to ascertain that: (1) The age of transfer between juvenile and criminal courts was the 18th birthday; and (2) disclosure of juvenile records to criminal court personnel was specifically prohibited.
Las Vegas, Nevada	--	A site where computerized juvenile court records had only recently begun to be included in adult presentence reports, but where access by the prosecutor was excluded.
Los Angeles, California	--	A site we had studied before, in which juvenile police records were frequently provided to the prosecutor and juvenile court records were included in presentence reports.
Seattle, Washington	--	The most complete information-sharing site, in which (1) the prosecutor maintained his own juvenile and adult criminal history files and (2) juvenile records were explicitly used for career-criminal identification and sentence enhancement.

SAMPLE DESIGN

Previous studies of arrest disposition patterns have shown that sentencing patterns in many jurisdictions are heavily influenced by the charging and plea-negotiation practices of the prosecutor. Furthermore, the most important determinant of sentence severity is the seriousness of the charged offense. In order to ensure that we had a statistically adequate set of comparable cases across sites, reflecting some degree of variation in offense severity, we selected our case samples to represent young males arrested for residential burglary or armed robbery in 1980. The samples were stratified on age and offense type to give us equal numbers of subjects aged 16-17, 18-20, and 21-25, for each of the two offense types. Our initial target was 1200 cases per site.

As the data in Table B.1 indicate, we were not completely successful in acquiring data to complete this design. In several of the sites, we were limited by the number of armed robbery arrests in any one

year. In the sites we coded last, we cut down the number coded or eliminated some cells in order to reduce our data-collection expenses.

In each site, we began our sample selection by screening police arrest logs or computer records in order to identify male juveniles and adults arrested for burglary and robbery. The arrest reports for the individuals identified in this initial screening were then screened to determine whether they met our specific offense type and age categories. Selection of cases continued until the desired number of cases identified was reached for each combination of offense type and age.

DATA COLLECTION

Within each site, data had to be collected from several sources. Information about the sample offense (type of weapon, injury to victims, number of victims, type of premises, number of suspects) was taken from the arrest report. Information about prior juvenile or adult arrests and dispositions was obtained from computerized records. The disposition of the sample offense was obtained from court records or computerized criminal history files.

In planning our data-collection effort, we intentionally collected more detailed data in the first site, Los Angeles, than we could afford to collect in the other three. The Los Angeles data-collection effort allowed us to determine what it cost to collect specific data elements, and their potential contribution to the analysis. In later sites we

Table B.1

CODED CASES

Site	Robbery			Burglary		
	16-17	18-20	21-25	16-17	18-20	21-25
Los Angeles	201	202	185	206	235	285
Las Vegas	67	157	164	202	179	194
Providence	(a)	114		(a)	231	
Seattle		73			200	

[a]On tape but unavailable.

reduced the amount of information collected concerning: (1) the sample offense, and (2) the details of the subject's prior criminal history.

We had initially believed there were several characteristics of robbery offenses that might affect the severity of the disposition: the type of premises; the number and characteristics of the victims; the degree of injury suffered by the victim(s); the number of perpetrators; and the type of weapon used and which of the perpetrators used it. However, our analysis of the Los Angeles sample data indicated that most of these factors were either rarely encountered or had a negligible effect on the disposition of the cases. Moreover, they were extremely time-consuming to obtain from reading arrest records and incident reports. The two factors that did seem to have a bearing on final disposition patterns were the "type of premises" where the robbery occurred and the "type of weapon" used. Robbers of residential or commercial premises and robbers who used guns were treated more severely.

In our initial coding of prior records for Los Angeles, we coded the date, type of offense, and disposition for each arrest (up to 10) in both the juvenile and adult records. This turned out to be an extremely time-consuming effort, particularly in later sites, where our coders were unfamiliar with the penal code sections. To cut down on the time required to code these records, we shifted to an abbreviated form of coding for both juvenile and adult records that counted the number of prior arrests, indicated whether any arrests were for crimes against the person, and indicated the most serious sentence imposed on the defendant.

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